Trade in America 36.

A CANDID EXAMINATION OF THE MUTUAL CLAIMS OF *GREAT-BRITAIN*, AND THE COLONIES:

WITH

A PLAN of ACCOMMODATION, on Conſtitutional Principles.

By the AUTHOR of LETTERS to a NOBLEMAN on the Conduct of the AMERICAN War.

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THE following Tracts were publiſhed in America, in the beginning of the Rebellion, with deſign to prevail on the Coloniſts to take the path of accommodation, and to avoid the horrors of a civil war. The Author obſerved, that the writers who had entered the liſt, as well on the part of Great Britain as of the Colonies, had, as is unfortunately too common in controverſy, exerted their abilities with more zeal than candor, and more to ſupport their reſpective pretenſions, than to accommodate the difference. He ſaw the advocates of America deducing their rights from "*the laws of God* "*and Nature, the common rights of mankind,* "*and the American Charters,*" and wandering in diſtinctions between a right in Parliament to "*legiſlate for the Colonies, and a* "*right to tax them—between internal and* "*external taxes—and between taxes laid for* "*the regulation of trade, and for the purpoſe* "*of revenue :*"—Diſtinctions which never exiſted, but in the wild imaginations of the authors of them.

On the other hand, the advocates for Great Britain as warmly contended for a right in parliament to *exerciſe abſolute power over the lives, liberties, and properties, of three millions of Britiſh ſubjects, without their being either actually or virtually* (if I may uſe an expreſſion lately adopted) *repreſented.* None of them appeared to him to be ſeekers after Truth. Both of them had avoided to ſearch for her where only ſhe was to be found. For, although it was a diſpute reſpecting the *conſtitutional authority of the ſtate, and the rights and privileges of Britiſh ſubjects*; yet none of them had looked into the fundamental laws of the Britiſh conſtitution, where only *the rights of that authority*, and *the privileges of the ſubject*, are defined and aſcertained. Hence he perceived, that the opinions of men in both countries were much divided, and that even thoſe of the good and ſenſible were bewildered, and wiſhing for further information.

Under this ſtate of the controverſy, he ſaw no proſpect of a reconciliation between the two countries; but, on the contrary, every thing was precipitating into confuſion and

war. Convinced, as he ever was, that the intereſt of both countries, whether he conſidered their civil, religious, or commercial benefits, was the ſame, and that their future happineſs depended on their harmony and union, he thought it a duty he owed to both, to conſider the ſubject more diſpaſſionately, and to trace their reſpective rights from thoſe principles upon which they are truly eſtabliſhed. This being done, he hoped, that by the advances of one of them, a door would be opened to a perfect and permanent reconciliation. How far he has ſucceeded in examining the queſtion upon principles more pertinent and relative to the ſubject, the candour of the Reader will determine.

Theſe Pamphlets were not publiſhed in Britain. The firſt was circulated throughout America, and had a conſiderable degree of influence on the minds of the people in general; but it was for that reaſon deſtroyed by the Independent party, wherever they could find it, and in ſeveral provinces it was burnt by the common executioner. The ſecond being advertiſed by Mr. Rivington, printer

printer in New York, a party of the Independents from Connecticut came down on the day of its publication, deſtroyed and carried off his printing materials, drove him into exile, and finally ſuppreſſed the liberty of the preſs throughout America.

A number of the Author's reſpectable friends, having peruſed the pamphlets, have thought that a publication of them in Britain, at a time when the Public have reaſon to hope that proper meaſures will be ſoon taken to unite the two countries upon juſt and conſtitutional principles, would throw ſome light upon the ſubject, and therefore have ſolicited him to publiſh them. Should the expectations of his friends be in any reſpect anſwered, it will add much to the pleaſure he receives from a compliance with their requeſt.

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CANDID EXAMINATION, &c. &c.

MY DEAR COUNTRYMEN,

WHEN we ſee the country we live in, where agriculture, elegant and beneficial improvements, philoſophy, and all the liberal arts and ſciences have been nouriſhed and ripened to a degree of perfection, aſtoniſhing to mankind; and where freedom, peace, and order, have always prevailed over thoſe enemies to human happineſs, oppreſſion, and licentiouſneſs; now governed by the barbarian rule of frantic folly, and lawleſs ambition: When we ſee freedom of ſpeech ſuppreſſed, the liberty and ſecrecy of the preſs deſtroyed, the voice of truth ſilenced; a lawleſs power eſtabliſhed throughout the colonies, forming laws for the government of their conduct, depriving men of their

their natural rights, and inflicting penalties more ſevere than death itſelf, upon a diſobedience to their edicts.—I ſay, when we ſee the Colonies, needleſsly, and while the path to their ſafety and happineſs is plain and open before them, thus puſhing on with precipitation and madneſs, in the high-road of ſedition and rebellion, which muſt ultimately terminate in their miſery and ruin; it is the duty of every man, of the leaſt abilities, to try to reclaim them from their folly, and ſave them from deſtruction, before it be too late.—With this deſign I am reſolved to review the moſt important controverſy that ever was agitated between a State and its Members; in hope that my countrymen, too long ſeduced from their true intereſt, by falſe, though ſpecious arguments, will, at length, liſten to reaſon and truth, and purſue thoſe meaſures only which lead to their ſafety and happineſs.

In a controverſy of ſo great moment, it is of the firſt importance to aſcertain the ſtandard by which it ought to be decided. This being unſettled, the merits can never be determined, nor any juſt deciſion formed. Hence it is that we have ſeen all the American writers on the ſubject adopting untenable principles, and thence rearing the moſt wild and chimerical ſuperſtructures. Some of them have fixed on, as a ſource from whence to draw American Right, "the laws of God and Na-

"ture,"

" ture," the common rights of mankind, " and " American Charters." Others finding that the claims of the Colonies could not be ſupported upon thoſe pillars, have racked their inventions to find out diſtinctions, which never exiſted, nor can exiſt, in reaſon or common ſenſe. A diſtinction between a right in Parliament to legiſlate for the Colonies, and a right to tax them—between internal and external taxation—and between taxes laid for the regulation of trade, and for the purpoſe of revenue. And after all of them have been fully conſidered, even the authors themſelves, finding that they have conveyed no ſatisfactory idea to the intelligent mind, either of the extent of parliamentary authority, or of the rights of America, have exploded them, and taken new ground, which will be found equally indefenſible.

I ſhall not attempt to account for a conduct which muſt appear ſo ſtrange, when it is conſidered, that the ſubject itſelf naturally, and familiarly, led to the only juſt and proper means of deciding it. It is a diſpute between the ſupreme authority of the State, and a number of its members, reſpecting its ſupremacy, and their conſtitutional rights. What other ſource to draw them from, or ſtandard to decide them by, can reaſon point out, but the principles of government in general, and of that conſtitution in particular, where both are to be found, defined, and eſtabliſhed?

Whoever ſearches for them elſewhere, will ſearch for them in vain, and ever confound the ſubject, perplex himſelf, and bewilder the reader.

In order then to aſcertain the conſtitutional extent of parliamentary authority; to determine whether the Colonies are members of the Britiſh State; and if they are, to mark out their juſt rights, and to propoſe a remedy to reconcile them, upon principles of government and liberty; it is neceſſary, firſt, to delineate thoſe principles, which are eſſential in the conſtitution of all ſocieties, and particularly in that of the Britiſh government.

There is no poſition more firmly eſtabliſhed, in the conduct of mankind, than that there muſt be in every State a ſupreme legiſlative authority, univerſal in its extent, over every member. This truth, the principles upon which all governments from the earlieſt ages have been eſtabliſhed, uniformly demonſtrate. This truth, the authority of all authors of credit will ever ſupport.—This truth, the nature and reaſon of civil ſocieties will for ever evince. Tully gives us this definition of government, " Multitudo juris conſenſu et uti-
" litatis communione ſociata. A multitude of
" people united together by a communion of in-
" tereſts, and *common laws* to which *they all ſubmit*
" *with one accord.*" Mr. Locke tells us, that " the

" firſt *fundamental poſitive law* of all common-
" wealths is, the eſtabliſhing *the legiſlative power*.
" This legiſlative is not only the *ſupreme power*
" *of the commonwealth*; but is ſacred and unal-
" terable in the hands where the community
" have placed it." And in another place, he ſays, " there can be but one *ſupreme power*, which " is the *legiſlative*, to which *all the reſt* are, and " muſt be, *ſubordinate*." The judicious Burlamaqui, in treating of the eſſential conſtitution of States, and of the manner in which they are formed, declares, that in forming a ſociety, " it " is neceſſary to *unite for ever* the *wills of all the* " *members* in ſuch a manner, that from that time " forward they ſhould never deſire *but one and* " *the ſame thing*, in whatever relates to the end " and purpoſe of ſociety. It is afterwards ne-" ceſſary, to eſtabliſh a *ſupreme power*, ſupported " by the ſtrength of the whole body. That it " is from this *union of wills and ſtrength*, that the " *body politic, or ſtate, reſults*; and *without* it we " could never conceive a *civil ſociety*. That the " State is conſidered as a body, or moral perſon, " of which the *Sovereign* is the chief head, and " the *ſubjects are the members*." And afterwards, in another part he ſays, " The State is a body, " or ſociety, animated by *one ſoul*, which directs " *all its motions*, and makes *all its members* act af-" ter a *conſtant and uniform manner*, with a view " to one and the *ſame end*, namely the *public uti-*

" *lity.*" And in another chapter, ſpeaking of the characters of ſovereignty, its modifications and extent, he avers, " that in every government " there ſhould be ſuch a *ſupreme power*, is a point " abſolutely *neceſſary*; the very nature of the " thing requires it; otherwiſe *it is impoſſible for it* " *to ſubſiſt.* That this power is that *from which* " *all others flow*, it being a ſupreme and independ- " ent power; that is, a power that judges finally " of whatever is *ſuſceptible of human direction*, and " relates to the welfare and advantage of ſociety." And *Acherley*, in his treatiſe on the Britannic conſtitution, proves with great ſtrength of argument, " That the *ſupreme power* in every government " and nation, is the *legiſlative power of making and* " *altering thoſe laws* of it, by which *every man is to* " *be bound*, and to which he is to *yield obedience.*"

The evidence of all other authors of credit, even of thoſe the moſt attached to republican forms of government, might be adduced, to demonſtrate the ſame truths; but this muſt be unneceſſary, when we refer to the forms of all civilized ſocieties, whether monarchical, ariſtocratical, democratical, or mixed; and there find a *ſovereign legiſlature* eſtabliſhed, to which it is the duty of *every member uniformly to yield obedience.*

A due attention to this univerſal principle, which ſeems too firmly ſettled to be ſhaken by

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any ſophiſtical diſtinctions, would have ſaved the American writers from all their numerous abſurdities. It would have ſhewn them, that the legiſlative authority in every government muſt of neceſſity be *equally ſupreme over all its members.*— That to divide this ſupremacy, by allowing it to exiſt in ſome caſes, and not in all,—over a part of the members, and not the whole,—is to weaken and confound the operations of the ſyſtem, and to ſubvert the very end and purpoſe for which it was formed; in as much as the vigour and ſtrength of every machine, whether mechanical or political, muſt depend upon the conſiſtency of its parts, and their correſponding obedience to the *ſupreme acting power:* And it would have ſhewn that there can be no alternative; either the Colonies muſt be conſidered as complete members of the State, or ſo many diſtinct communities, in a ſtate of nature, as independent of it, as Hanover, France, or Spain.

That there is ſuch a ſupreme power eſtabliſhed in the Britiſh ſociety, which has from the time of its origin exerciſed this univerſal authority over all its members, will not be denied. But where it is lodged; what are its modifications; and what are the powers ſubordinate to it, is a neceſſary enquiry. It will lead us to thoſe principles which muſt decide many important queſtions in this great controverſy; and in particular point out

out the abſurdity of the coloniſts, when they acknowledge allegiance to the King, and deny obedience to the laws of Parliament.

The government of Great Britain is of a particular kind. There is none now in the world like it. It is of a mixed form, compoſed of the principles of a monarchy, ariſtocracy, and democracy; and yet cannot with propriety be deſcribed by the name of either of them. Its ſupreme legiſlative power is *lodged* in the King, Lords, and Commons. To their authority every other power of the State is ſubordinate, and every member muſt yield full and perfect obedience. Theſe three branches conſtituting but one ſupreme politic head, their power is equal and concurrent; their joint aſſent being neceſſary to the validity of every act of legiſlation. So that even in this department of the State, which is the higheſt and firſt in order, the King is not ſupreme; being only the firſt of three equal in power. It cannot therefore be to the King, as legiſlator, that the coloniſts owe obedience and allegiance; becauſe he has no ſuch complete, independent capacity; he is not, by the conſtitution, a legiſlator, but only a part of one; and to ſubmit to the power of a *part*, and not to the *whole*, is too great an abſurdity for men of ſenſe to adopt.

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But as the legiſlature does not always exiſt, it could avail little, without ſome power to ſuperintend the execution of its regulations. The appointment of a repreſentative of the whole State, to ſee that its laws are duly carried into execution, was abſolutely neceſſary. The King is that repreſentative; and as ſuch is veſted with the executive power of the Britiſh government. But this power is a ſubordinate one, and perpetually liable to the alterations and controul of the ſupreme legiſlative authority; whoſe will, enacted into laws, is the ſole guide and rule of its actions. Mr. Locke tells us, that the King "is to be conſidered "as the image, phantom, or *repreſentative of the* "*commonwealth, and by the will of the ſociety de-* "*clared in its laws*, and thus *has no will, no power*, "but *that of the law.*"

To him, in this repreſentative capacity, and as ſupreme executor of the laws, made by *a joint power of him and others*, the oaths of allegiance are taken; and by him, that obedience in the ſubjects to the laws, which intitle them to protection in their perſons and properties, is received. Is it then to him, as repreſentative of the State, and executor of its laws, that the Americans profeſs their allegiance? This cannot be; becauſe it would be owning an obedience to the laws of the State which he repreſents, and is bound to execute, and of which they uniformly deny the force and obliga-

obligation. Hence theſe profeſſions are not made to him either in his legiſlative or executive capacities; but yet it ſeems they are made to the King. And into this diſtinction, which is no where to be found, either in the conſtitution of the government, in reaſon or common ſenſe, the ignorant and thoughtleſs have been deluded ever ſince the paſſing of the Stamp-act, and they have reſted ſatisfied with it without the leaſt examination; for we find it in all the reſolves and petitions of the American aſſemblies, town meetings, provincial committees, and even in the proceedings of the Continental Congreſs. And ſuch have been the unhappy effects, that we have ſeen the officers of juſtice in America, who have taken the oaths to the Britiſh government, reſolutely oppoſing the execution of thoſe very laws, which they have ſworn to obey and execute; and thus unwittingly ſliding into the moſt palpable perjuries.

I do not mean to offend the inventors of this refined diſtinction, when I aſk them—Is this acknowledgment made to the King, in his politic capacity, as King of Great Britain, or of America? If to him in the firſt, it includes a promiſe of obedience to the Britiſh laws, as I ſhall more fully prove hereafter. If in the ſecond, as King of America, when did he aſſume that title, and by whom was it conferred? When was he crowned? On the contrary, has he not invariably

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denied the exiſtence of any ſuch capacity in him, by an uniform conduct, in exerting his authority, to execute the Britiſh ſtatutes in America?

In his repreſentative capacity, the King alſo holds the great ſeal, or the ſeal of the State, and has right to affix it to all acts of the legiſlature, and ſuch as he is impowered to do by his prerogative, and *no other*. He has alſo certain prerogatives, which are defined and known. By one of them he has right, under the great ſeal, to form any circle of territory, within the realm, and the ſubjects on it, into inferior bodies politic, and to veſt them with the power to make municipal laws, for the regulation of its internal police, ſo far as it relates to the welfare of that circle only: but by no means to diſcharge them from their obedience to the ſupreme legiſlative authority. Becauſe this would be to weaken, diſmember, and in the end deſtroy the State, contrary to the intent for which the prerogative was veſted in him, namely, the public good and ſafety.

Having thus eſtabliſhed the neceſſity of a ſupreme legiſlative authority in every government, and ſhewn that it is an eſſential principle in the Engliſh State, and explained ſuch other parts of the conſtitution as are neceſſary to my purpoſe; let us next enquire whether the Colonies of right are members of that State, or ſo many independent

communities, in a ſtate of nature, with reſpect to it. For ſeeing a legiſlative authority competent, in all caſes whatſoever, over every member, is neceſſary in every government; the Colonies muſt ſtand in one or other of theſe predicaments.

The lands upon which the Colonies are eſtabliſhed muſt be conſidered, as they truly are, either as diſcovered, or conquered territories. In either caſe the right of property is in the State, under the licence or authority of which they were diſcovered or conquered. This property being veſted in the State, no ſubject can lawfully enter upon, and appropriate any part of it to his own uſe, without a commiſſion or grant from the immediate repreſentative for that purpoſe. Hence we find in the hiſtories of all civilized States, from the earlieſt ages to this day, the heads, or repreſentatives of all governments, diſtributing ſuch lands, by ſpecial grants, among their people, who in every inſtance which hiſtory affords, ſtill retain the duties of ſubjects. And there is no poſition better eſtabliſhed by the practice and uſage of all ſocieties, than that where a ſubject removes from one part of the territory of a government to another part of the ſame, his political rights and duties remain as before; but where the ſubject of one State removes to the territory of another, and ſettles there, his political rights and duties are changed from thoſe of the State from whence he

he removed, to thoſe of the State under which he ſettles, and from which he receives protection. No perſon acquainted with politic law, or the practice of ſocieties, in theſe reſpects, will aſſert the contrary. What then are the circumſtances of America? Under what authority was it diſcovered? What was the intent of the diſcovery? By whom, and under what authority, has it been ſettled? A deciſion of theſe queſtions will lead us to a very important truth, viz. That the colonies are of right members of the Britiſh Government.

America was diſcovered in the latter end of the fifteenth century, by Sebaſtian Cabot, authoriſed for that ſpecial purpoſe, under the great ſeal of the State, affixed to his commiſſion, by *Henry* VII. Repreſentative of the Britiſh Government. The *ſignature* of the great ſeal fully proves that the King did not, in the granting this commiſſion, conſider himſelf as acting in his private, but in his politic capacity. In the firſt he had no right to affix it, in the ſecond he had. The deſign in view was to encreaſe the territories, extend the commerce, and add to the wealth and power of the State. And therefore the diſcovery was made for the uſe of the State, and the territories became immediately ſubject to its ſupreme authority. No man in his ſober ſenſes will, I imagine, affirm, that *Henry* VII. had in view the diſcovery of a country,

into which his ſucceſſors might give licence to the members of the State to emigrate, with intent to become independent of its authority. Such a deſign is too abſurd to be ſuppoſed ever to have been admitted into any ſyſtem of policy; much leſs that of a Prince ſo juſtly famed for his wiſdom.

Every colony in America, as well thoſe under charters as others, has been ſettled under the licence and authority of the great ſeal, affixed by the Repreſentative of the body politic of the Britiſh State. The property of the territory of America being in the State, and its members removing under its authority from one part of it to another, equally ſubject to its ſupreme juriſdiction; they, of conſequence, brought over with them all their political rights and *duties*, and, amongſt the reſt, that of perfect obedience to its laws;—nor could they be loſt or changed by an alteration of their local circumſtances. Indeed nothing can be more explicitly confeſſed than this truth in all the American Declarations of their Rights. I ſhall cite only thoſe of the Congreſſes, which met at New York in 1765, and at Philadelphia in 1774. By the firſt we are told, "that his *Majeſty*'s ſubjects "in theſe Colonies *are entitled to* all the *inherent* "*rights and liberties* of his *natural* born ſubjects "within the kingdom of Great Britain." And, in the ſecond, "That our anceſtors, who firſt "ſettled theſe Colonies, were, at the time of their

"emigration

" emigration from the Mother Country, *entitled* " *to all the rights, liberties,* and immunities of free " and natural born ſubjects within the realm of " England." And " that by ſuch emigration " they by no means forfeited, ſurrendered, or loſt " any of thoſe rights."

Thus they deduce the title to their rights from the relation they bore, as members, to the Mother State. Conſcious that they could not draw them from any other ſource but the Engliſh Government, as they no where elſe exiſt, they claim them under its title and authority. But can the wiſeſt among them inform us, by what law, or upon what principle, they claim rights under the Britiſh Government, and yet deny the obligation of thoſe duties, which ſubjects of that government owe to it? The rights and duties of the members of all ſocieties are reciprocal. The one is the continuing conſideration for the other. Either of them being deſtroyed, without the conſent of the ſubjects to which both of them adhere, the other ceaſes. Therefore, ſhould a State arbitrarily deprive its members of their juſt rights, and refuſe to reſtore them, after it has been repeatedly, and reſpectfully, required ſo to do, then their duties and obedience to the State ceaſe, but not before; it being the deſign of every ſociety, when formed, that its exiſtence ſhould be permanent, not of a temporary duration.

Here we may perceive ſome of thoſe many inconſiſtencies and abſurdities in which the advocates of America have weakly involved her cauſe. We ſee them calling the ſubjects in America, "ſubjects of his *Majeſty*," in his political capacity, and, as Repreſentative of the Britiſh State, bound in duty to execute its laws, in *every part* of its dominions; and, in the ſame breath, denying obedience to thoſe laws. We ſee them claiming "all "the inherent rights and liberties of natural born "ſubjects" of the State, and denying the force of thoſe duties, which are ſo inſeparably united with thoſe "rights and liberties." We hear them declare, that they have not "forfeited, ſurrendered, "or loſt" the rights "they enjoyed at the time of "their emigration;" and yet they will not comply with the duties upon the performance of which thoſe rights depend. Thus it ſeems the American ſubjects have neither "forfeited, ſurrendered, nor "loſt," but ſtill retain the rights they derive from the Government of Great Britain; but the Government has either forfeited, ſurrendered, or loſt its rights over Them. Indeed they have not told us how, or by what means, this forfeiture, ſurrender, or loſs of rights in the Britiſh State, has happened. This, I believe, was a taſk impoſſible; and therefore carefully avoided.

But what ſhall we think of the ſagacity and foreſight of theſe able politicians, when we find that the

the right claimed by Parliament, and which they deny, may be eſtabliſhed with equal reaſon and ſolidity, upon the ſame principles and deductions, on which they have reſted the claims of America? May not the advocates for the parliamentary authority aſſert, "That, at the time of the emigration "of our anceſtors," the legiſlative power had a conſtitutional authority over them, and every other member of the State; that by ſuch emigration, which was an act of their own, as well as of the State, it neither "forfeited, ſurrendered, nor loſt" that authority? And would not ſuch a declaration be in reaſon, truth, and on the principles of the Engliſh conſtitution, as well founded, as that upon which the defenders of American rights have endeavoured to eſtabliſh them?

It may be ſaid that America is ſettled by others, beſides Britiſh ſubjects. Are they alſo members of the State, and ſubject to its authority? They moſt certainly are. They have by their own act become ſubjects, and owe obedience to its laws, as fully as any other members, as I have before ſhewn. But to confirm what I have already advanced upon this head, I ſhall add the opinion of Mr. *Locke*, becauſe it has been often heretofore relied on by the American advocates, as worthy of credit. His words are, —"Whoever by *inherit-* "*ance, purchaſe, permiſſion, or otherwiſe*, enjoys "*any part of the land* annexed to, and under the "govern-

" government of a commonwealth, muſt take it " with the condition it is under, that is, of *ſubmit-* " *ting* to the government of the commonwealth, " under whoſe juriſdiction it is, as *far as any ſub-* " *ject of it.*" If the preceding principles and arguments be well founded, as they appear to be, from the uſage, practice and policy of all ſocieties; it follows, that whatever Britiſh ſubject, or foreigner, has, either under the ſanction of the American charters, or otherwiſe, become an occupant of the Engliſh territories in the colonies, he is truly a member of the Britiſh State, and ſubject to the laws of its ſupreme authority.

I have thus far drawn my arguments chiefly from the policy of Government in general, and of the Engliſh Conſtitution in particular; and, I hope, with ſufficient evidence, to prove the juſtneſs and truth of them: But as I mean fully to inveſtigate, with the ſtricteſt candour, the rights of both the parties, and place them in their true light; it is of importance to conſider whether their conduct, for upwards of a century, affords evidence of a denial, or confirmation of the principles I have maintained. And here we ſhall find, that the prerogatives of this ſupreme repreſentative of the State, ever ſince the firſt ſettlement of the Colonies, have been uniformly exerciſed, and ſubmitted to, in all the Colonies. All their political executive powers have been derived from, and all their

their Governments eſtabliſhed by, it. It is in this repreſentative capacity, that the King has granted all the charters, appointed the governors, cuſtom-houſe officers, &c. and granted authority to the governors to commiſſionate the inferior officers of juſtice, as well judicial as miniſterial. From this ſource only all his legal powers, in reſpect to the Colonies, can be drawn; there being no other capacity veſted in him, from whence he could derive them. So that every officer in America, appointed by him, or under his authority, is truly the inferior and ſubordinate delegate of the King, Lords, and Commons; receiving his authority from the ſupreme executive repreſentative of the Britiſh State; all their powers being originally derived from, and limited by, its conſtitution and laws.

Upon the ſame principle, the ſupreme legiſlature has, upon many occaſions, and at a variety of times, held forth and exerciſed its authority over the Colonies; and they have yielded obedience to all the Britiſh ſtatutes in which they have been named; as well thoſe impoſing taxes on them, as thoſe for regulating their internal police. The learned judges in England, and the judges and other officers concerned in the adminiſtration of juſtice in America, in conformity to this idea, of their being the inferior delegates of the Britiſh State, and of its authority over the Colonies, have ever made thoſe laws of Parliament, where by

words they have been extended to them, the teſt of their deciſions, in all American diſputes, without doubt or heſitation, until the year 1765, when our unhappy controverſy commenced.

All the officers of Government, every member of Aſſembly, every foreigner before his naturalization, had always taken the oaths of allegiance, under the directions of the ſtatutes that have been made for that purpoſe. The words of the oath are the ſame with that adminiſtered to the ſubject in Britain, on the like occaſions; and conſequently muſt be of the ſame import, and carry with them the ſame obligations in every reſpect. Both in Britain and America the oaths are taken to the King, not in his private, but politic capacity; they are taken to him as repreſentative of the whole State, whoſe duty it is to ſuperintend the adminiſtration of juſtice, and to ſee that a faithful obedience is paid to the laws. Theſe oaths are no more than renewals of the original covenant, upon which all Governments are formed: for in the conſtitution of all ſocieties two covenants are eſſential; one on the part of the State, that it will ever conſult and promote the public good and ſafety; and the other on the part of the ſubject, that he will bear fidelity and true allegiance to the *ſovereign, or ſupreme authority*. "This laſt covenant," ſays the judicious Burlamaqui, "includes a ſubmiſſion of the *ſtrength* and *will* of each

" each *individual* to the *will* and *head* of the ſociety,
" as far as the public good requires; and thus it
" is that a *regular State*, and *perfect Government*, is
" formed." And the words of Mr. Locke are equally appoſite: " The oaths of allegiance are
" taken to the King; it is not to him as ſupreme
" legiſlator, but as *ſupreme executor of the law*,
" made by a joint power of *him and others*; *alle-*
" *giance* being nothing but *obedience according to*
" *law*, which when he *violates*, he has no right
" to *obedience*, nor can *claim it* otherwiſe than in
" his *public perſon*, veſted with the *power of the*
" *law*." And in another place he ſays, " That
" all obedience which by the moſt ſolemn ties any
" one can be obliged to pay, *ultimately terminates*
" *in the ſupreme power of the legiſlature*, and is di-
" rected by thoſe laws which it enacts." This being the nature of the oath of allegiance, and of the obligations it enforces, no man of any underſtanding will call for further proof, that all the officers of Government in America, who have taken theſe oaths, and thoſe who have ſubmitted to their adminiſtration, while they were executing the Britiſh ſtatutes, conſidered themſelves as ſubjects of the State, owing obedience to its legiſlative authority.

In every Government, protection and allegiance, or obedience, are reciprocal duties. They are ſo inſeparably united, that one cannot exiſt without

the other. Protection from the State demands, and entitles it to receive, obedience and ſubmiſſion to its laws from the ſubject: and obedience to the will of the State, communicated in its laws, entitles the ſubject to its protection. A juſt ſenſe of this truth has governed the conduct of the State towards the Colonies, and that of the Colonies towards the State, ever ſince their ſettlement. The Coloniſts have not only ſettled upon the lands of the State, under its licence and authority, granted by its repreſentative; but they have been foſtered, nouriſhed, and ſheltered under its wings, and protected by its wealth and power. And as they have ever yielded obedience to its laws, they have, whenever in danger, called for its protection; and in the laſt war were ſaved from all the miſery and ſlavery which Popiſh ſuperſtition and tyranny could inflict, when their inability to ſave themſelves was univerſally known and acknowledged.

Seeing then that the Colonies have, ever ſince their exiſtence, conſidered themſelves, and acted as perfect members of the Britiſh State, obedient to its laws, until the year 1765; there muſt, one would imagine, be ſomething lately diſcovered, which has convinced them of their miſtake, and that they have a right to caſt off their allegiance to the Britiſh Government. We can look for this in no place ſo properly, as in the late declaration of American rights. Here we find

they

they are drawn from " the immutable laws of na-
" ture, the principles of the Engliſh conſtitution,
" and their ſeveral charters, or compacts." Should we fail in diſcovering it here, we may ſafely determine it is not any where to be found. We ſhall not find it in " the laws of nature;" the principles upon which thoſe laws are founded, are reaſon and immutable juſtice, which require a rigid performance of every lawful contract;—to ſuppoſe therefore, that a right can thence be derived, to violate the moſt ſolemn and ſacred of all covenants; thoſe upon which the exiſtence of ſocieties, and the welfare of millions depend; is, in the higheſt degree, abſurd. And, I believe, we ſhall be equally unſucceſsful in ſearching for it in the principles of the Engliſh conſtitution; becauſe that conſtitution is formed to bind all the members of the State together, and to compel an obedience to its laws.—We muſt therefore find it in the American charters or compacts, or no where. And after we have looked there, we can diſcover no exemption or diſcharge from the authority of Parliament in any of them, ſave one, and there it is only partial; while other parts of the ſame charter declare the contrary, and expreſsly retain the ſubmiſſion of the ſubject to the Britiſh laws. But ſuppoſe there had been ſuch an exemption in all of them, as clear as words could expreſs it, it is a queſtion which demands a ſolution, whether the King had a right, by the conſtitution, to grant it?

The original intent of the prerogative, under which the inhabitants of particular diſtricts of territory have been incorporated into bodies politic, was to enable the repreſentative of the State to form inferior communities with municipal rights and privileges. This was neceſſary to enable the executive power to carry into execution the operations of Government with regularity and order. And in ſome inſtances it has been beneficial in promoting the trade, arts, and particular purſuits in buſineſs of ſuch diſtricts.—This prerogative is very ancient, and well defined by uſage and preſcription. London held peculiar privileges long before the Conqueſt. William the Conqueror granted to that city two charters ſoon after. A great number of inferior ſocieties have been ſince incorporated, by ſucceeding Kings, upon theſe principles; all of them under the great ſeal, and by the ſame authority under which the American charters were granted. Having ſo many precedents before us, we cannot be at a loſs to aſcertain the extent of this prerogative. The exerciſe of it for ſo many centuries will give ſatisfaction to every candid enquirer. Making this the teſt of deciſion, we ſhall find that no King has ever preſumed to grant more than merely municipal powers and privileges, always leaving the ſubjects and the territory incorporated, under the ſupreme legiſlative authority. There being no *traces* of a farther extent of this prerogative, in the conduct

of

of all the Britiſh Kings; the concluſion is, that no ſuch power does, or ever did exiſt. Beſides, this prerogative, like all others, is veſted in the King, in truſt, to promote, not to injure, the public good. And therefore, to aſſert that he may, under it, diſcharge theſe incorporated ſocieties from their obedience to the ſupreme power, is to contend that, by virtue of the power which he holds in truſt to ſtrengthen, he may weaken,—and inſtead of maintaining and defending, he may deſtroy, the commonwealth; which involves the moſt palpable contradiction.

Sufficient has been ſaid to convince us, that the Kings of England can have no authority to diſcharge inferior bodies politic from Parliamentary authority. But as upon a ſatisfactory deciſion of the queſtion, the claim of independency muſt ſtand or fall, I ſhall farther corroborate what I have ſaid with the moſt reſpectable authorities. The learned Puffendorf tells us, " With " regard to all *lawful bodies*, it is to be obſerved, " that whatever right they poſſeſs, or whatever " power they hold over their members, is all " under *the determination of the ſupreme authority*, " which it ought on *no account to oppoſe, or over-* " *balance*. For otherways, if there could be a " body of men, not *ſubject to the regulation of the* " *Civil Government*, there would be *a State within* " *a State*.—If we look on theſe bodies, or ſyſtems,

" in

" in a ſtate already ſettled, we are then to con-
" ſider what was the *intent of the ſupreme Gover-*
" *nor* in founding, or confirming, ſuch a com-
" pany. For if he hath given, or aſcertained to
" them, in expreſs words, *an abſolute and inde-*
" *pendent right*, with regard to *ſome particular*
" *affairs* which concern the *public adminiſtration*;
" then he hath *plainly* ABDICATED *part of his au-*
" *thority*, and by admitting *two heads* in the con-
" ſtitution, hath rendered it *irregular and mon-*
" *ſtrous.*" Mr. Locke ſays, " That the legiſlative
" authority *muſt needs be ſupreme*; and *all other*
" *powers*, in any members, or parts of ſociety,
" *derived from, and ſubordinate* to it." And ſpeak-
ing of the King's exceeding his public truſt, he
affirms, " That when he quits his *repreſentative*
" *capacity*, his *public will*, and acts by his own
" *private will, he degrades* himſelf, and is but *a*
" *ſingle, private perſon, without power, without*
" *will, that has any right to obedience.*" And the
ſame author would not ſcruple to declare, upon
the principles he eſtabliſhes in the latter part of his
treatiſe, That a King who ſhould have granted,
in the American charters, a licence to the ſubjects
of the State to emigrate, with a diſcharge from
their obedience to the legiſlative authority, and
ſhould open ſuch a door to a deſertion of the prin-
cipal territory, and diſſolution of its Government,
would thereby forfeit his Crown; and to prevent
the miſchief of ſuch grant, the people might re-
ſume

ſume their original authority, if the miſchief could not otherwiſe be prevented.

I have ſaid before, whenever a State refuſes to give protection to its ſubjects, and maintain their rights, their duty ceaſes. It may with equal truth be affirmed, that whenever ſubjects ſhall refuſe to perform thoſe duties, and yield that obedience which they are bound to perform and yield by the conſtitution, or original compact of ſociety, they forfeit not only their right to the protection of the State, but every other right or claim under it; and the Government may either puniſh them agreeably to its laws, or ceaſe its protection over them, and annul the rights and privileges they derive from it. There is no truth more evident than that where a mutual covenant ſubſiſts, including a conſideration perpetually to be performed on both ſides, upon which the validity of the covenant reſts, if either party refuſe the performance on his part, the other is diſcharged of courſe, and the party refuſing loſes his right and claim to the performance of the other. If this aſſertion be juſt, and that it is we ſhall find, whether we apply to the laws of nature, or civil ſocieties,—into what a diſgraceful predicament are the Americans thrown by a denial of obedeince to the authority of Parliament, which is one of the moſt eſſential duties! That they have not, as the Congreſs affirms, forfeited, ſurrendered, or loſt their rights,

by their emigration, is true.—But that this wiſe body of men have uſed their beſt endeavours, and purſued the moſt effectual meaſures to forfeit them, is equally true. Let us ſuppoſe that the late Congreſs had been a regular and legal repreſentative of all America, veſted with authority, by the conſent of the Coloniſts, to deny and withdraw their obedience to the laws of the Britiſh State, as they have endeavoured to do; would not Great-Britain be juſtifiable in declaring, by an act of State, that all the rights and privileges which the Coloniſts derive under her, are forfeited? Shall the Americans have a right to withdraw from the State the performance of their duties, and the State be bound to continue *them* in the enjoyment of all their rights? Every principle of government and common ſenſe denies it.

Thus, in whatever light we view the ſubject; whether we reaſon from the principles and policy upon which all Governments are eſtabliſhed, or thoſe of the Engliſh conſtitution in particular;—the right of property in the territory,—the authority under which the Coloniſts have been ſettled,—the perſons by whom ſettled,—their rights under the ſeveral charters and compacts,—their conduct ever ſince their ſettlement, down to the year 1765,—or from the conduct of the State down to this day; we find that they are members of the Britiſh

Britiſh State, and owe obedience to its legiſlative authority.

That America has been wandering in a wrong path, bewildered among the erroneous principles upon which her advocates have attempted in vain to ſupport her rights, is apparent from all her conduct. She began by denying the authority of Parliament to lay internal taxes:—but finding that ground not tenable, ſhe next denied its power to lay either internal or external taxes; and at length has declared, that it can neither lay internal nor external taxes, nor regulate the internal police of the Colonies. And yet ſuch has been the implicit confidence,—ſuch the infatuation of the unthinking and deluded people, that they have believed at the time, that all thoſe principles were ſo many ſolid pillars—and ſupports of their rights, and *truths as ſacred as thoſe in Holy Writ.*

It would not be unreaſonable to think, that the arguments before offered, to expoſe the preſent unhappy meaſures of the Colonies, would be ſufficient for that purpoſe. But however that may be, as I am convinced they lead to the ruin of my country, I think it my duty to take a more particular view of them. The claims made by the laſt Congreſs, and upon which, it ſeems, all America now reſts, are, " That the Colonies are

" entitled to *a free and exclusive right, or power of* " *legislation*, where their right of representation " can alone be preserved, *in all cases of taxation* " *and internal polity, subject only to the negative* " *of their Sovereign, in such manner as has been* " *heretofore used and accustomed.*" No words can convey a more perfect claim of independency on the British legislature, than those I have just transcribed. Because there is no act within the power of any legislature to pass, binding on any member of the State, but what must, in either the regulation or execution of it, affect the internal police. States may make laws for the government of their subjects, while in foreign countries, or upon the sea; but as those laws can only be executed within the society, there being no jurisdiction, no officer of justice without, the penalties must be recovered within it: and its internal police be affected by them, according to the nature of the penalties, and the mode of recovering. " If " this be true, and the Colonies have a free and " exclusive legislation, in all cases of internal " polity," the legislature of Great Britain can have no more authority over them, than the Parliament of Paris; and the Colonies are as independent of the one as the other.

But it seems under this claim of right, though the legislature of Great Britain, which is supreme in

in power, having no ſuperior, as I have ſhewn' ſhall have no right to make laws for us, nor even to repeal an act of Aſſembly of the Colonies, however inconſiſtent with the laws of England, or deſtructive to the rights and intereſts of the nation; yet the legiſlation of the Colonies is to be ſubject only to the *repeal of the King*. Does not this ill-founded claim involve the cauſe of America in an inextricable abſurdity? Is not this acknowledging a power in an inferior, and denying it in the ſuperior, from whom that inferior draws all its authority, and by whom all its prerogatives, rights, and powers, are governed and controuled? The King, by the conſtitution, has no capacity in which he does not repreſent the ſupreme legiſlature, as I have proved before. Nor can he aſſume any other inconſiſtent with its rights. The power of repeal, being a complete legiſlative act, he can draw it from no other fountain, but from his repreſentation of the *whole legiſlative body*. Becauſe, as legiſlator, he holds only a third part of the right; and upon no ground of reaſon, or propriety, can an entire ſuperior power be derived from any part of the ſame power.

Here we have a full view of the plan of the delegates of North America, which, when examined, appears to be that of abſolute independence on the Mother State. But conſcious that a ſcheme, which has ſo great a tendency to a forfeiture

feiture of her rights, and ſo deſtructive to her ſafety and happineſs, could not meet with the approbation and ſupport of the Coloniſts in general, unleſs in ſome meaſure diſguiſed; they have endeavoured to throw a veil over it, by graciouſly conceding to the Mother State a whimſical authority, uſeleſs and impracticable in its nature. This is a ſtale device, common to men who have not reaſon and truth to ſupport their pretenſions. "But from the neceſſity of the caſe," ſay they, "and a regard to the mutual intereſt of both "countries," not from any *conſtitutional right*, for this they have denied in the preceding part of the reſolve, in all caſes whatſoever, "we conſent;" but to what do they conſent? "to the operations of," not to the right of making, "ſuch acts of the Britiſh Parliament as are," not ſuch as ſhall be hereafter, for they are, no doubt, to receive the ſanction of Congreſs before they are valid, "*bona fide* reſtrained, to the regulation of our "external commerce, for the purpoſe of *ſecuring* "the commercial advantages of the *whole* (i. e. "of our commerce) to the *Mother Country*, and "the commercial benefits of its *reſpective mem-* "*bers*."

Here is more art and fineſſe, than an honeſt mind would wiſh to find in the conduct of any men, much leſs in thoſe of character. It is eaſy to perceive, from the import of theſe words, that ſhould

ſhould the Britiſh Parliament be obliged to accept of their *conceſſions*, they concede nothing. They have taken ſpecial care, that what they have conſented to in one breath, ſhould be blaſted by the next. For there is no law of trade, that I know of, nor can ſuch a law be formed, as ſhall *ſecure the* commercial advantages *of all the external American commerce* to the Mother Country, which is a part of the realm diſtinct from the Colonies, and yet "ſecure to the Colonies," as members, their commercial benefit. It would not have been any great deviation from the public duty of theſe gentlemen, had they dealt leſs in myſteries, and explained what laws they were which anſwered thoſe excellent purpoſes. Surely they could not mean thoſe ſtatutes, which enumerate American commodities, and compel us to land them in Britain, before they can be exported to foreign markets; nor thoſe which oblige us to purchaſe their manufactures, and forbid us to get them from other countries.—Theſe are ſo far from "ſecuring," that they greatly diminiſh, the commercial benefits of the Colonies; and I know of no other that "ſecure" the advantages of our commerce "to the Mother Country."—But ſuppoſe there are ſuch laws, who are to point them out in the volumes of the ſtatutes? Who is to ſay whether a law anſwers this deſcription? Is the legiſlature of Great Britain to do this? No. Who then?—Why, the Aſſemblies.—But the Aſſemblies are

diſunited,

diſunited, and may differ, as they have done, even in matters which concerned their eſſential ſafety; and there is no conſtitutional union, declaring the voices of a majority, binding on all.—Why then, ſince it can be no otherways, the point muſt be determined by an illegal, motley Congreſs; ſome few of them to be appointed by the Aſſemblies, if they can be ſo loſt to their own, and the true intereſt of their conſtituents, as ever to appoint another; and the reſt by a twentieth part of the people, the moſt ignorant and violent to be found among them. A bleſſed American conſtitution!

But ſhould there be any ſuch laws as the Congreſs have deſcribed, it ſeems they are to be ſtill further limited, and to "exclude every idea of "internal and external taxation, for raiſing a re-"venue in America." All the laws of trade, from whence the leaſt aid ariſes to the Crown for the protection of its dominions, are invalid, for want of this "conſent," and to be aboliſhed; but thoſe which amount to an abſolute prohibition are agreed to. The ſtatute impoſing a ſmall duty on foreign ſugars and molaſſes, on their importation, and thereby enabling the Coloniſts to eſtabliſh new manufactures, and open new ſources of foreign trade, ſhall not be obeyed; but had the Parliament, inſtead thereof, paſſed an act, totally prohibiting this part of our foreign commerce, under forfeiture of veſſel and cargo, it would have met with

with the approbation and conſent of theſe great and wiſe men, at leaſt as to its "operations." Is it not ſtrange, that when they were about to bring forth this ruinous principle, they could not perceive, that every greater power includes every inferior relative power; and that the power to prohibit a particular trade includes, *from neceſſity*, that of permitting it, *on condition of paying an advantageous duty?*

To conclude my remarks upon this famous American Bill of Rights, this pillar of American liberties: It ſeems implicitly agreed, that with the "conſent of America," both internal and external taxes may be laid by Parliament;—but they have not informed us in what conſtitutional or legal mode, this conſent is to be obtained, or given. They muſt have known, if they knew any thing, that there was none; and yet ſo far were they from meaning to propoſe any, that they ordered, in direct violation of their own rules, the only conſtitutional plan which was offered for that purpoſe, to be *reſcinded* from their minutes, after it had been debated, and referred to further conſideration; leſt the good people of America ſhould ſee and approve of it, depriving the Member, who propoſed it, of that ſecurity againſt miſrepreſentation which he was in juſtice entitled to, and contrary to their duty to the Colonies.—Such are the proceedings of the men intruſted with the

ſacred rights and liberties of America! ſuch the diſappointment of their Conſtituents.—They expected that ſome permanent ſyſtem of union between Great Britain and the Colonies, upon principles of government and liberty, would have been propoſed to the Mother State, and a path opened to a laſting and happy reconciliation. But, alas! how miſtaken! Nothing has been the production of their two months labour, but the ill-ſhapen, diminutive brat, INDEPENDENCE. And, conſcious of its inability to defend itſelf, they have exerted every nerve to prevail on the people to take up arms in its defence; to ruſh into the blackeſt rebellion, and all the horrors of an unnatural civil war.

I have thus thought it my duty, in a caſe of ſuch infinite importance to my country, to give the full weight to the arguments in favour of the right of Parliament, and againſt thoſe raſh and violent meaſures which are haſtening the ruin of America. I do not know that I have exaggerated. I mean, with the moſt benevolent attachment to her true intereſt, to lay before you the truth, the whole truth, and nothing but the truth, that you may impartially conſider it, and give it that weight which reaſon and your own preſervation ſhall dictate;—but hitherto I have only performed a part of my engagement. The rights of America remain to be conſidered and eſtabliſhed. A taſk

which the undertaker muſt perform with ineffable pleaſure, as he is pleading a cauſe founded on the immutable principles of reaſon and juſtice—the cauſe of his country, and the lateſt poſterity. He is endeavouring to reſtore an union between two great countries, whoſe intereſt and welfare are inſeparable; and to recover thoſe rights upon the enjoyment whereof the happineſs of millions depends.

That America has rights, and moſt important rights, which ſhe does not at preſent enjoy, I know; and that they are as firmly eſtabliſhed, as thoſe of the Parliament, may be eaſily proved; but what thoſe rights are—whence derived—how the exerciſe of them has been loſt—and what is the only poſſible and ſafe mode of recovering them, are queſtions, a candid ſolution of which will throw full light upon this unhappy controverſy.

After what has been ſaid reſpecting the rights of Parliament, and the duties of the Britiſh State, it cannot be difficult to determine from whence the rights of America are derived. They can be traced to no other fountain than the conſtitution of the Britiſh State. Protection from all manner of unjuſt violence, is the great object which men have in view, when they ſurrender up their natural rights, and enter into ſociety. I have ſaid before, that the right to this protection, and the duties of

allegiance, were reciprocal. By protection, I do not mean protection from foreign powers only; but alſo againſt the private injuſtice of individuals, the arbitrary power of the State, and of every ſubordinate authority. Such being the right, unleſs the Government be ſo formed, as to afford the ſubject a ſecurity in the enjoyment of it, the right itſelf would be of little eſtimation. The tenure would be precarious, and its exiſtence of a ſhort duration. In proportion to the ſtability of this ſecurity, all governments are more or leſs free, and the ſubject happy under them. Much therefore depends on the particular form or conſtitution of the ſociety. In a monarchy, where the ſupreme power is lodged in a ſingle perſon, without any check or controul, the tenure is precarious; becauſe it depends on the diſcretion and integrity of the Monarch. But in a free government of the mixed form, where the people have a right to a ſhare, and compoſe a part of the ſupreme authority, its foundation will be ſolid, and its continuance permanent; becauſe the people themſelves, who are intereſted in its preſervation, partake of the power which is neceſſary to defend it.

There is no ſociety in the world where this right of protection is ſettled with ſo much wiſdom and policy, as in the Engliſh conſtitution. The experience of ages affords numerous inſtances of its being invaded and impaired, but in a ſhort time

time reſtored by its own energetic power. It is this part of the Engliſh Government upon which authors dwell with rapture; as it conſtitutes its whole excellence, and forms its freedom.

Power naturally ariſing from property, it is evident from a view of the Britiſh conſtitution, in all its different ſtages, that the Engliſh Government derives its power from the landed intereſt; that being the moſt permanent and unchangeable in its nature, of all kinds of property, and therefore moſt worthy of protection. And although we cannot trace this truth up to its origin, the neceſſary ancient records being buried in the ruins of the monaſteries, either before or after the Conqueſt, yet the fact is ſufficiently evident from very ancient hiſtories and documents, as well as from the plan of Government uſed in England from time immemorial. All hiſtorians agree, that the preſent form of Government was ſettled in Britain by our anceſtors, the Anglo-Saxons; and ſo far as we have any knowledge of their Government in their own country, we know that the *proprietors of the land* gave their perſonal attendance in *the legiſlative council*, and *ſhared the power of making their laws*. After their conqueſt of Britain, *all thoſe to whom the land* was apportioned held a right to aſſiſt in the Saxon parliaments. And by the feudal law, *every landholder* met in the

the feudal courts, and gave his aſſent, or diſſent, to the laws there propoſed.

Such continued to be the form of the Britiſh Government until the diſſolution of the Heptarchy, and union of the ſeven kingdoms, when, we ſhould not have thought it ſtrange, had this principle been deſtroyed, or greatly impaired, in the convulſions which effected ſo great a revolution. But, on the contrary, although the numbers of people, and their remoteneſs from the place of convention, were greatly encreaſed by the union which rendered a perſonal exerciſe of the legiſlative power impracticable; yet in order to preſerve in the Government this important principle, upon which all their rights and freedom depended, they adopted the policy of veſting the landed intereſt in each tything and borough, with a right to ſend repreſentatives to their Wittena-Gemot, or Parliament.

Nor could the rage of conqueſt, and all the power of arms, aboliſh this firſt principle of Engliſh liberty and ſafety. William the Firſt, at the time he conquered Britain, found it conſiſtent with his intereſt and ſecurity to preſerve it inviolate: and when he thought it neceſſary to leſſen the exorbitant power of the Saxon Earls, which endangered his ſafety, by diſmembering the baro-

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nies from the counties, the Barons were veſted with a right to repreſent their baronies in the great national council. This was all the change which that great man ventured to make in the conſtitution; a change which made no eſſential difference, as to its freedom. For as every ſpot of land was before the Conqueſt within ſome tything, ſo under this alteration every part of it was included in ſome barony or borough, and all of them were repreſented in the legiſlative power by the Barons, or Burgeſſes.

Upon this ſolid foundation continued the freedom of the Engliſh Government during the reigns of William Rufus and Henry the Firſt. In the civil war between Stephen and Maud and Henry the Second, each party finding the power and influence of the Barons over their vaſſals too great, divided the conquered baronies into ſmaller *tenancies in chief*, and rewarded their friends with them. By this meaſure, and the like policy, which was afterwards purſued by King John, tenants *in capite*, or the leſſer Barons, were ſo multiplied, that a very unequal repreſentation of the landed intereſt aroſe. They held an equal ſhare in the legiſlature with the greater Barons; and being more numerous, and their intereſts in many reſpects different, they over-ruled, and often deprived the greater nobility of their rights. This grievance grew intolerable; and therefore, when

King

King John found himſelf obliged to do juſtice to the nation, and reſtore the ancient principle of the conſtitution, two ſeveral clauſes were inſerted in Magna Charta: By the firſt "the "Archbiſhops, Abbots, Earls, and *great Barons* "of the realm," were to be "ſummoned *ſingly*" by the King's writs; and by the ſecond, "all "others who held in chief," viz. the leſſer Barons, or tenants *in capite*, were to be "ſummoned in "general." By this clauſe the leſſer Barons were ſeparated from the greater, and loſt their hereditary right of repreſenting their lands *ſingly*, or in perſon; but being ſummoned to Parliament "in "general," they held the right of electing ſome of their body to repreſent them in the Houſe of Commons; and of participating the ſupreme legiſlative authority, by their delegates, who were thenceforward ſtiled Knights of the Shire.

Thus this right to protection from the State ſtood ſecured in every alteration of the conſtitution, by preſerving to the landholders a ſhare in the authority of the ſupreme head, who were to regulate that protection, and every other matter ſuſceptible of human direction, until the reign of Henry VI. when our anceſtors, conceiving that it could not be rendered too ſecure, nor founded on a baſe too broad, they obtained, by act of parliament, a right in every freeholder of forty ſhillings *per annum*, to vote for Knights of the ſhire.

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In confirmation of this right, I ſhall only add, that King John, in the great charter I have before mentioned, granted for the reſtoration of the rights of the ſubject, engages " not to impoſe " any taxes without ſummoning the Archbiſhops, " the Biſhops, the Abbots, the Earls, the greater " Barons, and the *tenants in capite.*" And by the 17th of Edward III. another charter, granted on the like occaſion, it is expreſsly declared, that " *whatever concerns the eſtate of the realm, and the* " *people*, ſhall be treated of in Parliament by the " King, with the conſent of the Prelates, Earls, " Barons, and Commonalty of the realm."

It would be endleſs to trace this truth through all the pages of the hiſtory of the Engliſh Government. I have offered proofs ſufficient to demonſtrate, that the Lords and Commons, who hold ſo large a ſhare of the legiſlative authority, derive their *right from, and repreſent the lands* within the realm. I ſhall therefore only add, before I leave this point, that this power of legiſlation in the people, derived from the ſhare they held in the lands, was originally, and yet is, of the eſſence of the Engliſh Government; and ever was, and ſtill continues to be, the only check upon the encroachments of power, the great ſecurity againſt oppreſſion, and the main ſupport of the freedom and liberty of the Engliſh ſubjects. And [illegible] excellence conſiſts in affording, to every part [illegible] the realm,

an opportunity of repreſenting, by their delegates, at all times, their true circumſtances, their wants, their neceſſities, and their danger, to the ſupreme authority of the nation, without a knowledge of which it is impoſſible to form juſt or adequate laws; and when repreſented, to conſult, adviſe, and decide upon ſuch proviſions as are propoſed for their relief or ſafety; giving their negative to ſuch as are miſchievous or improper, and their aſſent to thoſe which remove the miſchief, or afford a remedy. Here we have a perfect idea of civil liberty and free government, ſuch as is enjoyed by the ſubject in Great Britain.

But what are the circumſtances of the American Britiſh ſubjects? Is there a *part or ſpot of the lands in America*, or are the owners or proprietors thereof, *in right of ſuch lands*, repreſented in the Britiſh Parliament? or do they in any other manner partake of the ſupreme power of the State? In this ſituation of the Colonies, is not the Britiſh Government as abſolute and deſpotic over them, as any Monarch whatever, who ſingly holds the legiſlative authority? Are not the perſons, lives, and eſtates of the ſubjects in America at the diſpoſal of an abſolute power, without the leaſt ſecurity for the enjoyment of their rights? Moſt certain it is, that this is a ſituation which people accuſtomed to liberty cannot ſit eaſy under.

From the preceding remarks it partly appears in what manner the American ſubjects have loſt the enjoyment of this ineſtimable right, though not the right itſelf, viz. by their emigration to a part of the territory of the State, for which the conſtitution had not provided a repreſentation. America not being known or thought of when the conſtitution was formed, no ſuch proviſion was then made. But the right to a ſhare in the ſupreme authority was confined to the territory at that time intended to be governed by it. And at the time our anceſtors left the Mother-Country, it ſeems none was eſtabliſhed. How this happened, is not material to my ſubject—they came over, perhaps, without thinking of the importance of the right;—or their poverty, which rendered the obtaining of it in any form impracticable, prevented their claim of it. However, it is certain that it was paſſed over in ſilence, as well by the State, as the people who emigrated; but has been neither forfeited, ſurrendered, nor loſt. And therefore it ought to be reſtored to them, in ſuch manner as their circumſtances will admit of, whenever it ſhall be decently and reſpectfully aſked for. Juſtice to the Americans, and ſound policy in reſpect to both countries, manifeſtly require it.

The emigrants enjoyed in Britain the perfect rights of Engliſh ſubjects. They left their native country with the conſent of the State, to encreaſe

her commerce, to add to her wealth, and extend her dominions. All this they have effected with infinite labour and expence, and through innumerable difficulties and dangers. In the infant-ſtate of their ſocieties, they were incapable of exerciſing this right of participating the legiſlative authority in any mode. The power of Parliament was juſtifiable *from neceſſity* at that time over them; they ſtood in as much need of its protection, as children in an infant-ſtate require the aid and protection of a parent, to ſave them from a foreign enemy, as well as from thoſe injuries which might ariſe from their own indiſcretions. But now they are arrived at a degree of opulence, and circumſtances ſo reſpectable, as not only to be capable of enjoying this right, but from neceſſity, and for the ſecurity of both countries to require it.

The ſubjects of a free State, in every part of its dominions, ought, in good policy, to enjoy the ſame fundamental rights and privileges. Every diſtinction between them muſt be offenſive and odious, and cannot fail to create uneaſineſs and jealouſies, which will ever weaken the Government, and frequently terminate in inſurrections; and theſe, in every ſociety, ought to be particularly guarded againſt. If the Britiſh State therefore means to retain the Colonies in a due obedience on her Government, it will be wiſdom in her to reſtore to her American ſubjects the enjoyment of

of the right of aſſenting to, and diſſenting from, ſuch bills as ſhall be propoſed to regulate their conduct. Laws thus made will ever be obeyed; becauſe by their aſſent they become their own acts.—It will place them in the ſame condition with their brethren in Britain, and remove all cauſe of complaint; or, if they ſhould conceive any regulations inconvenient, or unjuſt, they will petition, not rebel. Without this, it is eaſy to perceive that the union and harmony, which is peculiarly eſſential to a free ſociety, whoſe members are reſident in regions ſo very remote from each other, cannot long ſubſiſt.

The genius, temper, and circumſtances of the Americans ſhould be alſo duly attended to. No people in the world have higher notions of liberty. It would be impoſſible ever to eradicate them, ſhould an attempt ſo unjuſt be ever made: their late ſpirit and conduct fully prove this aſſertion, and will ſerve as a clue to that policy by which they ought to be governed. The diſtance of America from Britain, her vaſt extent of territory, her numerous ports and conveniencies of commerce, her various productions, her increaſing numbers, and conſequently her growing ſtrength and power, when duly conſidered—all point out the policy of uniting the two countries together, upon principles of Engliſh liberty. Should this be omitted, the Colonies will infallibly throw off their connexion with

with the Mother-Country.—Their diſtance will encourage the attempt, their diſcontent will give them ſpirit, and their numbers, wealth, and power, at ſome future day, will enable them to effect it.

If it be the intereſt of the Mother-Country to be united with the Colonies, it is ſtill more their intereſt that the union ſhould take place. Their future ſafety and happineſs depend on it. A little attention to their circumſtances will prove it. Each Colony, in the preſent conſtitution, is capable, by its own internal legiſlature, to regulate its own internal police within its particular circle of territory. But here it is confined: thus far, and no farther, can its authority extend;—one cannot travel into the bounds of the other, and there make, or execute, its regulations. They are, therefore, in reſpect to each other, ſo many perfect and independent ſocieties, deſtitute of any political connection, or ſupreme authority, to compel them to act in concert for the common ſafety. They are different in their forms of government,—productions of ſoil, and views of commerce.—They have different religions, tempers, and private intereſts.—They, of courſe, entertain high prejudices againſt, and jealouſies of, each other; all which muſt, from the nature and reaſon of things, ever conſpire to create ſuch a diverſity of intereſts, inclinations, judgments, and conduct,

conduct, that it will ever be impoſſible for them to unite in any general meaſure whatever, to promote any general good.

A retroſpect to the conduct of the Colonies, during the laſt war, will ſhew that this aſſertion is founded in fatal experience. It was owing to this diſunited ſtate of the Colonies, and their conducting their policy upon theſe principles, that a ſmall number of French ſubjects in Canada, acting on the reverſe, were enabled to concert their plans with ſuch ſuperior wiſdom, and to exert ſuch a degree of ſtrength, as to endanger the ſafety of all North America, which contained upwards of two millions of people, and obliged them to implore the aſſiſtance of the Britiſh Government. In the application to the Mother-Country for protection, this is fully acknowledged. " It now evidently " appears," ſay the Council and Aſſembly of the Maſſachuſetts' Bay, " That the French are ad- " vanced in the execution of a *plan, projected more* " *than fifty years ſince*, for extending their poſſeſ- " ſions from the mouth of the Miſſiſſippi on the " ſouth, to Hudſon's Bay on the north, for ſe- " curing the vaſt body of Indians in that inland " country, and for ſubjecting *this whole continent* " *to the crown of France* *." And from what

* Meſſage from the Council and Houſe of Repreſentatives of the Maſſachuſetts' Bay, in 1754.

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cauſe did it happen that the Engliſh Colonies, poſſeſſed of an hundred fold more wealth, and twenty times the number of people, could not oppoſe, with ſucceſs, the force and ſchemes of a few? The ſame gentlemen tell us, The French have but *one intereſt*, and keep but *one point* in view: The *Engliſh Governments have different intereſts, are diſunited: ſome of them have their frontiers covered by their neighbours; and not being immediately affected ſeem unconcerned.*" The Commiſſioners from the ſeveral Colonies at Albany, aſſign the ſame cauſe. " The Colonies," they inform the Crown, " being in a divided, diſunited " ſtate, there has never been *any joint exertion of* " *their force*, or *councils*, to repel or defeat the " meaſures of the French;" and " particular " Colonies are *unable and unwilling* to maintain the " cauſe of the whole. That it ſeems *abſolutely* " *neceſſary*, that ſpeedy and effectual meaſures " be taken *to ſecure the Colonies from the ſlavery* " *they are threatened with.*"

The prediction contained in theſe declarations turned out ſtrictly true. As it was moſt juſt that the Colonies ſhould contribute towards their own protection, while the Mother-Country was laviſhing millions in their defence; requiſitions were annually made for that purpoſe. But what was the conduct of the Colonies in this ſcene, ſo very intereſting to them? It is enough for me here to aſſert,

aſſert, what was known to all at the time, and what there ſtill remain abundant documents to prove—That although ſome of the Colonies, which were in immediate danger, complied cheerfully and in time; yet others, from various cauſes, complied too late to be of real ſervice; and ſome gave nothing towards the general defence, even at times when the enemy was within their borders, and a conſiderable part of the colony was evacuated. What muſt have been the direful conſequences of thoſe omiſſions of duty in the Colonies towards each other, had not the Mother-Country exerted her military abilities to ſave them? The danger, and all the horrors of French ſlavery, which then threw us, at times, into the greateſt deſpondency, are paſt, and we have forgot them! But let us not deceive ourſelves; the ſame cauſes will ever produce the ſame effects.—The ambition of France is ſtill alive and active; her power indeed is aſleep, but only to wake at ſome future day. America is daily growing a more alluring object of her ambition. Her fleets, and thoſe of her natural ally, the King of Spain, are encreaſing. The practice of conquering and dividing territories and kingdoms is become faſhionable in Europe. Under this proſpect of things, what can America expect, while ſhe denies the authority of the Mother State; and by that denial incurs a forfeiture of her protection, and refuſes to be united with her upon ſuch principles as will entitle her to

it? She muſt in all probability ſoon become the ſlave of arbitrary power,—of Popiſh bigotry and ſuperſtition.

But the miſeries of a foreign yoke are not all the miſchiefs which may attend her ſcheme of independency. Diſputes will ever ariſe among the Colonies. The ſeeds of controverſy, reſpecting their ſeveral intereſts and boundaries, are already ſown, and in full vegetation. Ambition and avarice are ever ready to exert their influence, whenever opportunity offers. America has many men of abilities and intrigue, who will at all times be ready to riſe on the misfortunes and calamities of others. Diſputes between Pennſylvania and Maryland began, and would have ended in a civil war, had not the authority of the State interpoſed. Similar diſputes have ſubſiſted between New-York and Connecticut, New-York and New-Jerſey; and ſtill ſubſiſt between New-York and New Hampſhire, Connecticut and Pennſylvania, and Pennſylvania and Virginia; all ariſing from the uncertainty of their boundaries, and right to the ſoil. In 1606 King James granted two charters, one to the Plymouth Company, and the other to Sir Thomas Gates, and others; *including all the Colonies.* The reſumption of the firſt of theſe charters has been publicly avowed and attempted; and we have great reaſon to believe, that of the other is in contemplation. Theſe, with many other cauſes, will afford plentiful

plentiful ſources of diſpute between the ſeveral Colonies; which can only be decided by the ſword, there being no other power to appeal to. The northern Colonies, inured to military diſcipline and hardſhips, will, in all probability, be the firſt to enter the liſt of military controverſy; and, like the northern Saxons and Danes, carry devaſtation and havoc over the ſouthern; who, weak for want of diſcipline, and having a dangerous enemy within their own bowels, muſt, after ſuffering all the horrors of a civil war, yield to the ſuperior force, and ſubmit to the will, of the conquerors.

We have now before us, all that we are to gain by this frantic attempt to ſeparate the Colonies from Great Britain. Should America fail in her military oppoſition, which ſhe muſt infallibly do, they immediately become a conquered people, ſubject to ſuch laws as the conquerors ſhall think proper to impoſe:—all our rights and privileges forfeited,—our loyalty juſtly diſtruſted—our ports ſecured by men of war,—our capital cities burthened with Britiſh troops,—and our wealth exhauſted for their ſupport. On the contrary, ſhould we by any miraculous event ſucceed in this mad deſign, we muſt ſoon either become a prey to a foreign power; our laws, our manners and cuſtoms, our rights both civil and religious, and our ineſtimable religion itſelf, will be changed for the arbitrary cuſtoms, the ſlavery and ſuperſtition

of Rome: or ſhould we, by any unforeſeen accident, eſcape this deplorable ſituation, another awaits us, almoſt as ſhocking and diſtreſſing. Ambition and avarice will ſoon furniſh the fuel, and blow up the flame of civil diſcord amomg ourſelves. Some of theſe calamities muſt inevitably be the bleſſed conſequences of this unnatural ſcheme.

It will now be aſked, What then is to be done? Muſt we ſubmit to parliamentary regulations, when we are not repreſented in that body? My anſwer is—That I am a friend to true liberty. I eſteem it above all other temporal bleſſings, and *becauſe* I eſteem it, I diſapprove of the independent meaſures of the Congreſs; which, inſtead of tending to ſecure, or obtain it, lead to the deſtruction of *all liberty*, and to the *moſt dangerous tyranny*. I do not differ from them in opinion, that America has grievances to complain of; but I differ from them in the mode of *obtaining redreſs*. I ever was convinced that Great Britain was not ſo deſpicable in her power as to be hectored out of her rights by her ſubjects; or that ſhe was ſo ignorant of the condition of the Colonies, as to believe our pretenſions to independency could be maintained. I foreſaw what has now come to paſs, that we muſt either ſubmit to parliamentary authority,—or to be a conquered people,—or ſeek for redreſs in an *union* with the Mother State. And

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my duty as a ſubject, my own intereſt, and the ſafety and happineſs of my country, ever prevailed on me to prefer the laſt. Had this meaſure been adopted in the year 1766, in all probability, the rights of America would have been reſtored, and the moſt perfect harmony would have this day ſubſiſted between the two countries: but unfortunately for America, ſuch ground was at that time taken, as rendered it inconſiſtent with the honour and dignity of Parliament to meet us.

Great pains have been taken by the American demagogues, to delude the unhappy people, whom they have doomed to be the dupes of their ambition, into a belief that no juſtice was to be obtained of his Majeſty, and his Houſes of Parliament; and that they had refuſed to hear our moſt reaſonable petitions. Hence we have ſeen the beſt of Sovereigns treated with the groſſeſt abuſe and inſult, the affections of his people alienated, and many of his faithful ſubjects, deſponding of relief, taking up arms againſt his authority. It is high time that this fatal deluſion ſhould be expoſed, and the good people of America diſabuſed. It is true, that his Majeſty and the two Houſes of Parliament have treated petitions from the Colonies with neglect; but what were thoſe petitions? Did they reſt on a denial of the eſſential rights of Parliament, or did they aſk for the rights of the ſubject in America? A retroſpect

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of all the petitions ever preſented to the throne on this ſubject, will ſhew that they conveyed to the Royal ear nothing but the language of independence. They diſowned the power of the ſupreme legiſlature, to which, as ſubjects, they owe obedience, and denied a capacity in the Colonies to be repreſented—and upon this ground they inſiſted on a repeal of the laws. Here they ended. —*No prayer, nor the leaſt intimation of a deſire to be united with Britain upon a juſt reſtoration of their rights!* Such were the petitions of the Colonies, which were treated with neglect by the ſupreme power of the nation. And the reaſonable and ſenſible man will now, on reflection, determine, whether it becomes us to reſent a conduct of this kind in our ſuperiors, or rather to look back with aſtoniſhment at our own folly, in permitting ourſelves to be led by deſigning men into ſuch acts of diſreſpect and inſult.

In order to prevail on the Congreſs to deſert their ſcheme of independence, and to purſue thoſe meaſures for reſtoring the rights of America, which carried with them a proſpect of ſucceſs; a member of the Congreſs, as I mentioned before, propoſed a plan of union between the two countries, which would have reſtored to the Coloniſts the full enjoyment of their rights. I have often converſed with him on the ſubject, and well underſtand his principles, and what paſſed on the occaſion.

occaſion. He waited with patience to ſee whether any rational ſcheme of union would be adopted by the Congreſs,—determined to unite with them in any meaſure which might tend to a reconciliation between the two countries; but he waited in vain: and when he found them bewildered, perpetually changing their ground, taking up principles one day, and ſhifting them the next, he thought it his duty, however little the proſpect of ſucceſs, to ſpeak his ſentiments with firmneſs, and to endeavour to ſhew them the true line of their duty. After proving the neceſſity of a ſupreme authority over every member of the State, tracing the rights of the Colonies to their origin, and fixing them on the moſt ſolid principles; and thence ſhewing the neceſſity of an union with the Mother State, for the recovery of them; he introduced the Plan, with the Reſolve which precedes it. But before he delivered it to be read, he declared, that he was ſenſible it was not perfect; that knowing the fundamental principles of every ſyſtem muſt be firſt ſettled, he had, to avoid perplexity, contented himſelf with only laying down the great outlines of the union; and ſhould they be approved of, that he had ſeveral propoſitions of leſſer conſequence to make, in order to render the ſyſtem more complete. The Plan read, and warmly ſeconded by ſeveral gentlemen of the firſt abilities, after a long debate, was ſo far approved as to be thought worthy of further conſideration,

and referred under a rule for that purpoſe, by a majority of the Colonies. Under this promiſing aſpect of things, and an expectation that the rule would have been regarded, or at leaſt that ſomething rational would take place to reconcile our unhappy differences, the member propoſing it was weakly led to ſign the non-importation agreement, although he had uniformly oppoſed it; but in this he was diſappointed.—The meaſures of *independence and ſedition* were ſoon after preferred to thoſe of *harmony and liberty*; and no arguments, however reaſonable and juſt, could prevail on a majority of the Colonies to deſert them. The Reſolve and Plan, with the rule referring them to further conſideration, were expunged from the Minutes: and while the independent faction are abuſing him for propoſing it, they have copies of it in their pockets, induſtriouſly concealing it from the people. With what view can this be, but that their malevolent aſperſions may take the greater effect, and that you may remain unacquainted with thoſe meaſures which would lead to your ſafety and happineſs? In juſtice therefore to the character of this gentleman, and that America may judge for itſelf, they are here offered to its conſideration.

RESOLVED,

RESOLVED,

That the Congreſs will apply to his Majeſty for a redreſs of grievances under which his faithful ſubjects in America labour; and aſſure him, that the Colonies hold in abhorrence the idea of being conſidered independent communities on the Britiſh Government, and moſt ardently deſire the eſtabliſhment of a Political Union, not only among themſelves, but with the Mother State, upon thoſe principles of ſafety and freedom which are eſſential in the conſtitution of all free governments, and particularly that of the Britiſh legiſlature; and as the Colonies, from their local circumſtances, cannot be repreſented in the Parliament of Great Britain, they will humbly propoſe to his Majeſty and his two Houſes of Parliament the following Plan, under which the ſtrength of the whole empire may be drawn together on any emergency, the intereſt of both countries advanced, and the rights and liberties of America ſecured.

A Plan of a propoſed Union between Great-Britain and the Colonies.

THAT a Britiſh and American legiſlature, for regulating the adminiſtration of the general affairs of America, be propoſed and eſtabliſhed in America, including all the ſaid Colonies; within, and under which Government, each Colony ſhall retain its preſent conſtitution, and powers of re-

gulating and governing its own internal police, in all caſes whatever.

That the ſaid Government be adminiſtered by a Preſident General, to be appointed by the King, and a Grand Council, to be choſen by the Repreſentatives of the people of the ſeveral Colonies, in their reſpective Aſſemblies, once in every three years.

That the ſeveral Aſſemblies ſhall chooſe members for the Grand Council in the following proportions, viz.

New-Hampſhire,	Delaware Counties,
Maſſachuſetts-Bay,	Maryland,
Rhode-Iſland,	Virginia,
Connecticut,	North-Carolina,
New-York,	South-Carolina,
New-Jerſey,	and
Pennſylvania,	Georgia;

Who ſhall meet at the city of
for the firſt time, being called by the Preſident-General, as ſoon as conveniently may be after his appointment.

That there ſhall be a new election of members for the Grand Council every three years; and on the death, removal, or reſignation of any mem-

ber, his place ſhall be ſupplied by a new choice, at the next ſitting of Aſſembly of the Colony he repreſented.

That the Grand Council ſhall meet once in every year, if they ſhall think it neceſſary, and oftener, if occaſions ſhall require, at ſuch time and place as they ſhall adjourn to at the laſt preceding meeting, or as they ſhall be called to meet at, by the Preſident-General, on any emergency.

That the Grand Council ſhall have power to chooſe their Speaker, and ſhall hold and exerciſe all the like rights, liberties, and privileges, as are held and exerciſed by and in the Houſe of Commons of Great-Britain.

That the Preſident-General ſhall hold his office during the pleaſure of the King, and his aſſent ſhall be requiſite to all acts of the Grand Council, and it ſhall be his office and duty to cauſe them to be carried into execution.

That the Preſident-General, by and with the advice and conſent of the Grand Council, hold and exerciſe all the legiſlative rights, powers, and authorities, neceſſary for regulating and adminiſtering all the general police and affairs of the Colonies, in which Great-Britain and the Colonies, or any of them, the Colonies in general, or more

than one Colony, are in any manner concerned, as well civil and criminal as commercial.

That the ſaid Preſident-General and Grand Council be an inferior and diſtinct branch of the Britiſh legiſlature, united and incorporated with it for the aforeſaid general purpoſes; and that any of the ſaid general regulations may originate, and be formed and digeſted, either in the Parliament of Great-Britain, or in the ſaid Grand Council, and being prepared, tranſmitted to the other for their approbation or diſſent; and that the aſſent of both ſhall be requiſite to the validity of all ſuch general acts or ſtatutes.

That in time of war, all bills for granting aids to the Crown, prepared by the Grand Council, and approved by the Preſident General, ſhall be valid, and paſſed into a law, without the aſſent of the Britiſh Parliament.

I ſhall not affirm that this Plan is formed upon the moſt perfect principles of policy and government; but as it is an univerſally prevailing opinion, that the Colonies cannot be repreſented in Parliament, I know of none other which comes ſo near to them; and it is moſt evident, upon a due conſideration of it, that the rights of America would have been fully reſtored, and her freedom effectually ſecured by it. For under it no law can be

be binding on America, to which the people, by their Repreſentatives, have not previouſly given their conſent: this is the eſſence of liberty, and what more would her people deſire?

The Author of this Plan ſeems to have formed it on a comprehenſive view of the particular and general regulations neceſſary to the intereſt and ſafety of the Colonies. The firſt contain all ſuch as the Colonial Legiſlatures have a right to make, under their ſeveral conſtitutions, and to which they are adequate: theſe, he propoſed, ſhould remain under their reſpective deciſions; it being declared in the Plan, that "each Colony ſhall retain "its preſent conſtitution and powers of regulating "and governing its own internal police in all caſes "whatever." The ſecond, which relate to the general intereſts and ſecurity of the Colonies, are to be the ſubjects of the deliberations and deciſions of the Grand Council; ſuch as laws for granting aids to the Crown, levying taxes in juſt and reaſonable proportions on the Colonies—and for regulating a general paper currency, which ought, in all good policy, to be eſtabliſhed on funds equally ſolid, and aſcertained at the ſame value: and laws for ſettling diſputes between the Colonies, reſpecting their boundaries,—with a variety of other matters that muſt naturally ariſe from the jarring intereſts of the Colonies, which will continually increaſe with the increaſe of their wealth and commerce.

Objec-

Objections were indeed made to this Plan, which it may not be improper here to mention. It was ſaid, "that the Delegates did not come with au-"thority to conſent to a political union between "the two countries." To which many arguments were oppoſed, to ſhew that they had ſuch authority, or none; and concluded with deſiring, that if that was, in the opinion of the Members, the caſe, yet that the Congreſs ought, in juſtice to their country, to digeſt and form one, and recommend it to their reſpective Aſſemblies, by whom it would be preſented with more conſtitutional propriety than by any other body of men. A ſecond objection was, That it deprived the Colony Legiſlatures of a part of their rights. To which it was replied, That a Colony Legiſlature is capable of paſſing laws to regulate its internal police; but not adequate to any general regulation, not even in the neceſſary one of granting aids to the Crown. That there is no propoſition more juſt, than that every Colony, as a Member of the State, ought to be obliged to contribute towards the defence of the whole empire, in proportion to the property and wealth which each Colony poſſeſſes. That this is a primary conſideration in every ſociety; and that no one Colony had a conſtitutional power to obtain the amount and value of the property of the others, by which to aſcertain its proportion. Nor was there any authority whatever, ſave the Britiſh Parliament, to compel refractory Colonies to do their

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reaſonable duty, in this or any other general meaſure: and that this Plan was ſo far from diminiſhing the rights of any Colony Legiſlature, that it extended them; by giving to each a new juriſdiction to decide upon regulations which relate to the general affairs of the Colonies.

Such was the Plan laid before the Congreſs, the objections againſt, and the arguments in favour of it. They are here laid before the Public, to enable them to judge for themſelves, whether, as a repreſentation in Parliament is generally ſuppoſed to be impracticable, any thing more conſiſtent with their ſafety could have been adopted.

Had this unhappy controverſy been of the firſt impreſſion in the Engliſh Government, I ſhould not be ſurpriſed to find the advocates of America ſo much at a loſs for principles upon which to aſk for, and obtain her rights. I confeſs I know not whether to attribute their ſtrange conduct to a total ignorance of the merits, or to a deſign from the beginning to throw off all political connections with the Britiſh Government. However this may be, precedents are not wanting upon which to reaſon, and to form a remedy. The Principality of Wales, the Biſhopric of Durham, and the Palatinate of Cheſter, laboured under the like grievances; being bound by the laws of Parliament for many years, without holding a ſhare in the ſupreme

authority.

authority. Great diſcontent aroſe from the ſlaviſh diſtinction between the ſubjects of the ſame State. The oppreſſed thought it their duty, as members of the State, to petition the Parliament for a ſhare in their authority. And ſuch was the equity and juſtice of their claims, that they became thereupon veſted with this important privilege. When Henry III. conquered Calais, and ſettled it with Engliſh merchants, with intent to extend his dominions, and increaſe the commerce of the nation, it was held ſo incompatible with Engliſh liberty, that the authority of Parliament ſhould extend to members who did not partake of it, that they were incorporated with the Engliſh Government, and ſhared in its Legiſlature.

What then is to be done? Is it too late to recover from our madneſs, and to purſue the dictates of reaſon and duty? By no means. Let us then, like men who love order and government, boldly oppoſe the illegal edicts of the Congreſs, before it is too late,—pull down the licentious tyranny they have eſtabliſhed, and diſſolve their inferior Committees,—their inſtruments to trample on the ſacred laws of your country, and your invaluable rights. This done, and peace and order reſtored within your ſeveral provinces, apply to your Aſſemblies, who are your conſtitutional guardians, and can alone procure a redreſs of your grievances. Entreat them, in a reſpectful and dutiful

ful manner, to petition his Majeſty and his two Houſes of Parliament;—and in their petitions to aſſure them, "That you are ſenſible of the neceſ-
"ſity of a Supreme Legiſlature over every mem-
"ber of the State; that you acknowledge your-
"ſelves ſubjects of the Britiſh Government; that
"you have, through innumerable difficulties and
"perils, ſettled and improved a wilderneſs, ex-
"tended the territories, and greatly increaſed the
"wealth and power of the nation: That by ſuch
"ſettlement you have loſt the enjoyment of,
"though not the right to, ſome of the firſt and
"moſt excellent of the privileges of Engliſhmen:
"That the Engliſh Government is founded on
"freedom: That this freedom depends on its par-
"ticular conſtitution; in which it is, and ever was,
"eſſential, that the landed intereſt, or the Free-
"holders of every part of its territory, ſhould
"participate in the ſupreme legiſlative authority,
"having right to regulate their conduct, and a
"power over their lives, liberties, and properties.
"That this privilege alone diſtinguiſhes Britiſh
"ſubjects from the ſlaves of the moſt deſpotic
"governments: That no *part of the lands*, nor
"the *Proprietors of lands in America*, enjoy
"the right of participating in the authority
"of Parliament. And yet that laws have been
"made, by that authority, for levying taxes
"upon your property, for reſtraining and prohi-
"biting your trade and commerce, for ſuppreſſing

" your manufactures, for regulating your inter-
" nal police, and depriving you of many other
" rights, to which you are entitled as Engliſh ſub-
" jects. That by ſuch regulations you have been
" aggrieved and oppreſſed, and great diſcontent
" has ariſen in the breaſts of his Majeſty's faithful
" American ſubjects, to the deſtruction of that
" harmony which ought to ſubſiſt between mem-
" bers of the ſame community, and to the great
" prejudice of the commonwealth. That it is not
" for want of inclination, but capacity, ariſing
" from the diſunited ſtate of the Colonies, that
" you have not diſcharged, with juſtice among
" yourſelves, thoſe duties which appertain to
" members of the State: and therefore pray,
" that you may not only be reſtored to this capa-
" city, but to all the rights of Engliſhmen, upon
" ſuch principles of liberty and policy as ſhall
" beſt ſuit your local circumſtances."

A petition of this kind, ſo reaſonable and juſt, and ſo well founded and eſtabliſhed on the principles of their own Government, attended with ſuch a plan of union as may be wiſely digeſted by your ſeveral Aſſemblies, there is no room to doubt, will be graciouſly received, and duly attended to by his Majeſty and his two Houſes of Parliament, and finally terminate in a full redreſs of your grievances, and a permanent ſyſtem of union and harmony, upon principles of liberty and ſafety.

But let me entreat you, not to truſt theſe petitions to your agents alone; but follow the wiſe examples of the Grecian and Roman Coloniſts,—ſend over with them one or more delegates, to remove the preſent prejudices, to create friends, and to ſolicit your cauſe. The expence will be trifling, their utility may be great,—the importance of your rights is infinite.

Thus I have, my dear countrymen, with the utmoſt candour and freedom, and the moſt benevolent regard for your true intereſt and happineſs, laid before you the conſtitutional extent of parliamentary juriſdiction, and *deduced* your rights from the moſt ſolid foundation, and explained your duties. I have pointed out the mode which, I am convinced, you ought to purſue for a reſtoration of thoſe rights. I have ſhewed you the folly of the ſcheme now in agitation for that purpoſe. My moſt ſincere wiſh is, that you may avail yourſelves of the information, and retreat from the danger and diſtreſs which threatens you, before it is too late. Permit me, before I conclude, to aſk you a few ſerious queſtions. Do you mean to forfeit, by your raſh and imprudent conduct, your right to the protection of the Britiſh State, and cut yourſelves and your poſterity off for ever from all the privileges of Engliſhmen? to relinquiſh your trade up the Mediterranean, in the Britiſh ſeas, and all the Britiſh ports? and to ſuffer the pro-

duce of your ſoil, and the effects of your labour and induſtry, to periſh on your hands, for want of a market to diſpoſe of them?

Do you wiſh to exchange the mild and equal rule of Engliſh cuſtoms and manners, and your ineſtimable religion, for the tyranny of a foreign yoke? Or do you deſign to give up your preſent enjoyment of all the bleſſings of life, for the horrors and diſtreſs of a civil war, and the fatal conſequences which muſt infallibly attend yourſelves, and your lateſt poſterity? Are you *ſtill* reſolved to ſurrender up your reaſon to the miſerable ſophiſtry and jargon of deſigning men, and to hazard all theſe direful misfortunes, rather than be united with your brethren and fellow-ſubjects in Britain? If ſuch be your dreadful reſolutions, I, who have all that I hold dear and valuable among you, muſt content myſelf with ſharing along with you the calamitous conſequences of your frenzy, and the miſerable fate of an American; with this only conſolation, that I have honeſtly diſcharged my duty in warning you of your dangers, and endeavoured to pilot you into the haven of ſecurity and happineſs.

A REPLY TO AN ADDRESS TO THE AUTHOR of a PAMPHLET, ENTITLED, "A Candid Examination of the Mutual Claims "of Great Britain and her Colonies," &c.

A REPLY TO AN ADDRESS, &c.

WHEN the Advocates of a cauſe deſcend to the low chicanery of aſſerting the moſt evident untruths, of impoſing meanings on words which they do not import, and perverting the arguments of their opponents to points the contrary of which they moſt ſolidly prove; it is difficult to determine whether they exhibit clearer evidence of weak heads, depraved hearts, or a bad cauſe. A conduct ſo deſtitute of candour and honour may tend, for a time, to raiſe a miſt before the eyes of the weak and ignorant, and ſeduce the credulous and unwary; but cannot, for a moment, draw the ſenſible part of mankind into thoſe ſnares which *your* ambition and deſtructive ſchemes

ſchemes of Independence have already, in idea, prepared for them. The ſight of the Americans, too long blinded by your ſophiſtical diſtinctions, and incoherent arguments, is daily growing clearer *. True information reſpecting their rights and duties, and your pernicious deſigns, are pouring in upon them. And were you not tranſported and infatuated with the wild ſcheme of raiſing your own importance upon the ſeparation of two great countries, whoſe intereſt and ſafety are inſeparable; you would perceive that the honeſt and wiſe in both, are raiſing a firm oppoſition to your meaſures; and that, like the viper in the fable, you are gnawing a file, which will wear out your own teeth before you will blunt the ſofteſt part of it.

To convince you of this truth, if poſſible, and diſabuſe mankind, whom you have been deceiving

* The preceding Pamphlet, with a number of others, wrote by ſeveral Gentlemen in New York and New Jerſey, which had been lately publiſhed, had produced very beneficial effects in opening the eyes of the people, and detaching them from the meaſures of Independence. And had the preſſes in America remained free, there was a good proſpect of preventing the riſing Rebellion, and of prevailing on the people to take the ground of accommodation. At this proſpect the Independents were alarmed, and therefore deſtroyed Mr. Rivington's preſs, at New York, who was the only perſon in all America who dared to publiſh any Piece on the part of Government.

by your wild and novel ideas of Government, ever ſince the unhappy æra of the Stamp-Act, I mean to trace you through all your artful meanders and ſophiſtical labyrinths; and to ſhew to the world, that your laſt doctrines are as replete with fallacy and abſurdities, as thoſe which are long ſince exploded by all America. But before I enter upon a particular Reply to your Anſwer, I will take a general view of it; and there every Reader will find that its ſole aim is to ſhew that *the ſeveral Colonies are not members of the Britiſh State, but ſo many diſtinct, independent States, veſted by their reſpective inhabitants* with a "legiſlative power, as "SUPREME *and as* UNLIMITED *as the power of the* "*legiſlature of Great Britain.*" This, Gentlemen, is throwing off the maſk with a witneſs. The cloven foot, which has hitherto been artfully and induſtriouſly concealed, by thoſe who underſtand the management of your deſigns better than yourſelves, is here exhibited to our view in all its horrid deformity. The black ſcheme of independence, which is to rear its head out of the ruinous horrors of a civil war, is now boldly aſſerted and publiſhed; and nothing leſs than a total ſeparation of each Colony from the Parent State, is the avowed object of your ambitious deſigns. Permit me, in the name and behalf of the virtuous and loyal part of America, to thank you cordially for *blabbing this long-concealed and moſt important ſecret.* It will inſtruct them, in future,

to be upon their guard againſt your manœuvres, and enable them to oppoſe, with ſucceſs, the ruin you are preparing for them.

It is a diſagreeable taſk to travel through all your groundleſs aſſertions, ſophiſtical inconſiſtencies, and ill-founded principles. They diſplay ſo great a want of candour, ſo much mean ſubtility, and ſo little regard for truth, that it is painful to find human nature capable of deſcending to ſuch low expedients. However, unpleaſing as the taſk may be, my duty to my country ſhall prevail.

In the firſt paragraph of your Anſwer, you begin with a malevolent untruth——one ſo ſhameleſs and eaſily detected, that I ſhould not waſte paper in refuting it, was it not on account of thoſe who are apt to ſwallow aſſertions without examination. You there tell us, I have laboured to ſhew, "that America has no rights at all, and "that we are the moſt abject ſlaves on earth." Knowing that I had done the reverſe, and ever wiſhed to put the mildeſt conſtruction on human conduct, even upon *your's*, however injurious, I ſought for an apology for this bold aſſeveration, through all the pages of the Pamphlet; but not finding any, I turned to your Anſwer, and in the latter end I find you confeſs your "Remarks are "haſty;" that is, as I conclude, *paſſionate* and *raſh*. This conſtruction Charity commanded me

to

to put on your conduct; for to ſuppoſe that you could publiſh to the world ſo manifeſt an untruth, with temper and deliberation, is to ſuppoſe that you are loſt, not only to all ſenſe of candour, but character. Becauſe whoever has, with temper, peruſed the Pamphlet, muſt know, that from page 42 to 76, more than one-half of it is devoted to ſhew the reverſe of your aſſertion—that "*America has the moſt important rights, drawn* "*from the ſame ſource—and as firmly eſtabliſhed on* "*the ſame principles, as thoſe of the Parliament*:" that though by our emigration to a country, for which the conſtitution had not provided a repreſentation, we had loſt the enjoyment of thoſe rights, yet we had neither ſurrendered, forfeited, nor loſt thoſe rights themſelves; but that, on the contrary, we ought, in juſtice as well as policy, to be reſtored to the firſt and great right of Engliſh freedom, a participation of the ſupreme authority, and *all the other rights of Engliſhmen*, upon ſuch principles of liberty and policy as ſhall ſuit our local and other circumſtances. Nor did I ſtop here; but offered a variety of cogent arguments to induce the Americans to petition for, and the State to grant, them;—thus endeavouring, from the moſt diſintereſted motives, to lend my ſmall aid towards uniting two great countries, by the firmeſt bands of political freedom, into one *grand and illuſtrious Empire*; under which union, upon every principle of reaſon and policy, all *our preſent*

grievances muſt be relieved, and we ſhall hold the *beſt of all political ſecurities againſt the future.* Let this union be eſtabliſhed, and all the fetters upon American manufactures, and all the burdens and prohibitions peculiar to American trade and commerce, muſt be removed. The American merchant will enjoy the ſame right to trade to every port and place, where, by treaty, the merchant in Britain may trade—and the American manufacturer will be at liberty to ſet up every kind of manufacture. Becauſe, under this union, the cauſe and reaſon of all thoſe burdens, prohibitions, and unjuſt diſtinctions between an Engliſh ſubject in Britain, and one in America, ceaſe of courſe. For when America ſhall, by the union, be reſtored to a capacity of diſcharging, with *juſtice and punctuality*, all her duties to the State, and particularly that firſt and moſt eſſential one, of granting the *neceſſary and juſt aids to the State*; and the State ſhall have the *like political* ſecurity with reſpect to America, which it hath as to its other members, that ſhe will do ſo; no reaſon can poſſibly ſubſiſt why the Americans ſhould not enjoy the ſame rights and privileges which the other ſubjects of the State do enjoy. Nor can it be of the leaſt conſequence to the State, whether a ſubject grows rich by his labour or commerce in the city of *London*, or on the *Ohio*; provided it can obtain a juſt and reaſonable proportion of his wealth, when neceſſary for the protection and ſafety

of

of the Empire. Upon this obvious principle of reaſon and juſtice, Calais, Wales, Cheſter, Durham, and Scotland, upon their reſpective unions with the Engliſh Government, were taken into its boſom, and veſted with all the rights of Engliſh ſubjects. And upon the ſame principle, they cannot be denied to America. Such muſt be the happy effects of an union between Great Britain and her Colonies—ſuch the fortunate change in favour of America, which would emerge immediately from a condition the moſt ſlaviſh, limited in her manufactures, reſtrained and prohibited in her commerce, and bound by laws, in the making of which ſhe does not participate, into all the *rights, liberties, and freedom, of the moſt free State upon earth.* Is it poſſible that any men whoſe minds are not fraught with dark and ſiniſter deſigns, can, upon cool reflection, prefer to a condition replete with ſuch important benefits, an *ignis fatuus*, which muſt lead us into the diſtreſsful ſtate of a conquered people, after being reduced by the calamities of a civil war!

But to follow you now cloſely: You ſay, that I have laid it down as a principle, that there muſt be in every State a "ſupreme legiſlature, univerſal in "extent over every member;—that the Britiſh "Parliament is the ſupreme legiſlature of the Co-"lonies, and that the Coloniſts are therefore "ſubject to its laws." Now this is a partial and

corrupt

corrupt repreſentation of the doctrine of the Pamphlet:—It is but one half of the truth;—becauſe, although I have aſſerted, that the Parliament is, ever has been, and muſt, from the nature and reaſon of civil ſociety, continue to be, the legiſlature of the Colonies while they remain members of the Britiſh State, there being no other; yet I have alſo added, and ſubſtantially proved, that in order to give the laws of Parliament the ſame equitable and conſtitutional obligation in America, which they carry with them in Britain, ſome new proviſion, ſome conſtitutional union between the two countries, ſhould be adopted, to reſtore the Coloniſts to their antient and eſſential right of participating the power of making the laws: That this right was originally, and yet is, of the eſſence of the Engliſh Government:—That without it, the Parliament is as abſolute and deſpotic over the Colonies, as any Monarch whatever who ſingly holds the legiſlative authority; to which I have ſubjoined many ſolid reaſons to induce the Colonies to aſk for, and the Britiſh State to grant it. But all this part of my argument you choſe to omit; becauſe it contains a flat contradiction to your groundleſs charge: For it now evidently appears, when the doctrines of the Pamphlet are taken and conſidered together, that they are as different from your repreſentation of them, as light is from darkneſs, or truth from your aſſertions.

Finding

Finding that the neceſſity of a *ſupreme legiſlature in every State* was too clearly proved to be denied, you have been obliged to confeſs it: and in order to ſhew that every Colony is *an independent State*, and conſequently not ſubject to the ſupreme power of Great Britain, you have, without ſhame or remorſe, had recourſe to a number of the moſt fallacious, abſurd, and ſophiſtical poſitions. You begin with acknowledging, that "wherever men "have, *from a ſtate of nature, entered into a ſtate of "ſociety*, there muſt be ſomewhere lodged a power "to make laws obligatory on all the members of "that ſociety;" and then you aſk, "Whether we "have not a legiſlature in Pennſylvania, in the "hands where the community have placed it?" This, you ſay, cannot "be denied—*it's power* "within the bounds of the province is as *ſupreme* "and as unlimited as the power of the legiſlature "of Great Britain."—"Here," you add, "the "principle of Mr. Locke applies." In ſupport of theſe dogmatical aſſeverations, you have not offered to the Public a ſingle ſhadow of proof! Nay, you have not even attempted to carp at, much leſs to deny or refute, thoſe inconteſtible facts and arguments, which demonſtrate the contrary, and are to be found in the pamphlet from page 14 to 34.—But in what an unfortunate ſituation have you involved yourſelves, if I ſhould ſhew that not one of this group of aſſertions, to which you would apply your doctrine, is founded

in truth or fact—that they are all inventions of your own brain, contrary to your own knowledge of the facts, and that they never exiſted elſewhere? What think you will become of your *application?* To evince this will be no arduous taſk: For, 1ſt, The Pennſylvanians did not "from a ſtate of na-"ture enter into a ſtate of ſociety;" but ſome of them were originally members of the Britiſh State, who emigrated from one part of its territory to another, with intent to populate that territory, and to extend the commerce and intereſts of the nation, of which they ſtill remained a part; and the others came from other eſtabliſhed ſocieties, which they relinquiſhed, in order to become members of the Britiſh Government. 2dly, The legiſlature of Pennſylvania is not "in the hands "where the community have placed it:" but where the repreſentative of the ſupreme legiſlature of Great Britain originally "placed it;" who had no authority to diſcharge it from its ſubordination to the Britiſh State, or to render it "*ſupreme*" and *independent*. In 1682, King Charles, as repreſentative of the State, and under its ſignature, formed the territory of Pennſylvania into an inferior and ſubordinate body politic, by virtue of the power conſtitutionally veſted in him to conſtitute inferior corporations. In this grant, Section 4, among other privileges, he granted to William Penn, and his heirs, and to his and their deputies and lieutenants, "by and with the advice, aſſent,

" and approbation of the freemen of the country, " or of their delegates and deputies, to make laws " for the good and happy government of the ſaid " country." Under this authority Mr. Penn, in the year 1701, conſtituted the preſent Aſſembly, and veſted them with their *preſent* rights, powers and privileges, many of which were ſhortly after confirmed by laws of the Province, which were tranſmitted to the Sovereign for his approbation, and became confirmed under the terms of the original grant. 3dly, I have ſhewn in the Pamphlet, that no repreſentative of any State ever held a power to conſtitute a ſupreme and independent legiſlature, not " ſubject to the regu- " lations of the civil government :" and that this is inconſiſtent with the nature of ſociety. And I will next ſhew you, that " the power of the le- " giſlature of Pennſylvania is not ſupreme, and " as unlimited as the power of the legiſlature of " Great Britain," *by the words of its conſtitution*; nor *ſupreme* in any ſenſe of the word, which I will define for your ſakes who do not appear clearly to underſtand the meaning of it. Supreme—is *higheſt in authority*; or, as Mr. Locke has it, " *having none equal in power*;" and in this ſenſe you may find that all Authors on Government uſe it. Now the legiſlative power of Pennſylvania is not " *ſupreme*," but reſtrained and limited in a variety of inſtances, by the expreſs words of the grant under the authority of which it has been

eſtabliſhed, and by the power which gave it exiſtence. The laws which this legiſlature is impowered to make, are confined to ſuch as are "not "repugnant to, but as near as may conveniently "be agreeable to the *laws* and *ſtatutes*, and *rights* "*of the kingdom of England*;" and the proprietor, who is the firſt branch of this legiſlature, is made anſwerable for "every wilful default or neglect "permitted by him againſt the *laws of trade and* "*navigation*, and ſuch other forfeitures and pe-"nalties as by *Acts of Parliament in England* are or "*ſhall be* provided;" and in caſe of failure, the repreſentative of the Britiſh State has reſerved a right "to reſume the government of the pro-"vince or country, and to retain the ſame until "payment ſhall be made thereof." To this I may add, that the power of laying all manner of taxes is expreſsly reſerved to the Parliament. Thus we find that the legiſlature to which you would apply Mr. Locke's idea of *ſupreme*, having *none equal in power*, is an *inferior*, *limited*, and *reſtrained legiſlature*—having no power by its conſtitution to make any laws which ſhall be repugnant to the *laws*, *ſtatutes*, and *rights* of a ſuperior; and bound, under a *forfeiture of its rights*, to yield obedience to *ſuch legiſlative acts* as were at the time of its inſtitution, *or ſhould afterwards* be provided by *that ſuperior*. Such, I ſay, is the legiſlature which you have either the ignorance or folly of impoſing on the public, "as *ſupreme*

and

" *and as unlimited as the legiſlature of Great Bri-*
" *tain.*"

But it ſeems, I myſelf have proved enough to ſhew " that each [Colony] legiſlature is ſupreme " within its own circle;" for I have ſaid, " that " each Colony in the preſent conſtitution is capa- " ble, by its own internal legiſlature, to regulate " its own police within its particular circle of ter- " ritory." And can you then, without a bluſh, aſſert that, from this acknowledgment, you can, upon any fair and logical principle, infer that " each Colony legiſlature is proved to be *ſupreme?*" Is your knowledge in politic law, or the nature of Government, ſo totally defective, as not to teach you—that a power " to regulate its own police," is common to almoſt every ſubordinate and inferior corporation which has a power to make laws, and which notwithſtanding remains ſubject to the ſupreme authority of the State? Has not the corporation of London a competent power to make laws " for regulating its own police?" Has it not a particular code of its own laws by which that police is governed? And does it not yet remain ſubject in all things to the juriſdiction of Parliament? Is not this the caſe alſo of the corporation of Briſtol, and many others in England? Look into the charter of incorporation of the city where you live, and which you ought to underſtand, and you will there find, that full power

is granted to the corporation to make " ſuch and " ſo many good and reaſonable laws, ordinances, " and conſtitutions, as ſhall ſeem neceſſary and " convenient *for the government of the city:*" and yet I do not believe that any men, yourſelves excepted, will conclude from thence, that the city of Philadelphia is poſſeſſed of a *ſupreme legiſlative authority.*

It alſo ſeems, in your novel and refined ideas of government, " it would be irregular and " monſtrous to ſuppoſe us ſubject to two legiſla- " tures." But can you give me an inſtance in any civilized ſociety where this is *not* the caſe? In all complex ſyſtems, whether mechanical or political, the ſubordinate wheels or powers muſt be actuated by, and ſubmit to, one ſupreme firſt mover; and every inferior power, which is more than one remove from the firſt, muſt be governed by the ſecondary or intermediate powers, as well as the primary; *all acting in concert, and adding to its ſtrength.* And therefore the learned author, whoſe ſenſe you have groſsly perverted, ſpeaking of theſe inferior politic bodies, tells you, " *Whatever right* " they poſſeſs, or *whatever power* they hold over " their members, is all *under the determination* of " the *ſupreme authority*, which it ought on *no ac-* " *count to oppoſe or overbalance*;" for otherwiſe there would be a *ſtate within a ſtate*; which would " render it irregular and monſtrous." Are not the

the members of every corporation in England ſubject to the authority of Parliament?

Fatigued as I am by my reſearches into the numerous abſurdities upon which you have endeavoured to erect the ſupremacy and independence of the Colonies, I ſhould ſtop here, did not one yet remain, upon which you greatly rely, ſtill more profoundly ſtupid than all the reſt. You tell us, "this *ſupreme power* of each Colony is ſubject to "our Sovereign's negative."

Could the great Mr. Locke ariſe from the grave, and hear his idea of a "*ſupreme power*" thus corrupted, and applied to a power ſubject to the *controul of another*; I much doubt whether all his philoſophy and religion could ſuppreſs his reſentment at ſuch unintelligible jargon and horrid nonſenſe. In your notions of Government then, it ſeems, that a "ſupreme power," *i. e.* a power *higheſt in authority*, having *none equal in power*, may be ſubject to a power *higher* than the *higheſt*, or to *one ſuperior*, which can repeal and annihilate all its acts. Again—this *ſupreme power* of the ſeveral Colonies is, in your ſenſe of things, ſubject to the power of *the King*—and yet not to the *legiſlative authority of Great Britain*, which *that King repreſents*, and from which he *derives* all his powers; and without *whoſe authority*, Mr. Locke expreſsly declares, he "is but a *ſingle, private*

"*perſon*,

" *perſon, without power, without will, that has any* " *right to obedience!*"

Thus, upon a candid examination, all your arguments adduced to ſhew that the " legiſlatures " of the ſeveral Colonies are ſupreme," are either founded on falſe facts, or are inconcluſive or abſurd; and cannot " *apply*" to any principle to be found in any treatiſe on politic law or government whatever.

Equally unſucceſsful you will be found in your attempt to prove, that the oath of allegiance, taken by the ſubject in America, is not taken to the King as repreſentative of the Britiſh State, *but as a diſtinct Repreſentative of the ſeveral legiſlatures of the Colonies.* You aſk, " Where is the abſurdi- " ty of ſuppoſing that an oath of allegiance, " taken by a Pennſylvanian, to be taken to him, " to the King as Repreſentative of the ſupreme " legiſlative power of Pennſylvania?" Here we perceive, in order to ſeduce the Coloniſts from their connection with the Britiſh State, his Majeſty is veſted with a new capacity, unheard and unthought of before; and when its propriety or neceſſity is enquired into, it will be found as wild and abſurd as it is novel. You yourſelves have told us, that the legiſlative authority of Pennſylvania is placed in the Governor and Aſſembly; and you know that all the other Colony legiſlatures are either

either veſted in a Governor and Aſſembly, Governor, Council and Aſſembly, or Proprietor, Governor, Council and Aſſembly, or Governor and Council alone. You alſo know that they derive *all* their authority from the repreſentative of the Britiſh State; and yet you inſiſt that this "repreſentative is the diſtinct repreſentative" of theſe ſeveral inferior legiſlatures. That is, in other words, that the repreſentative of the whole State is a diſtinct and ſeparate repreſentative of its ſeveral ſubordinate parts. Or, that he is the repreſentative of his own repreſentative, of his own delegates, or ſubſtitutes: a repreſentative being a perſon who *acts in the place of another, a ſubſtitute in power.* And thus to ſerve your own ends, you make his Majeſty act in the place of, and as a ſubſtitute in power to, every inferior Governor, Council and Aſſembly in America, who derive all their powers from him. What will you at length make of his Majeſty and the Parliament? You firſt took it into your *learned* heads, to conceive that the ſupreme legiſlative authority, which is indiviſible in its nature, was, like matter, diviſible *ad infinitum*; and under this profound miſtake, you began with ſplitting and dividing it, until by one ſlice after another, you have hacked and *pared* it away to leſs than an atom. And not content with thus mangling the moſt beautiful and regular political ſyſtem in the world, your barbarian pens have now attacked, with equal glee,

the Royal authority. Your firſt attempt was to degrade his Majeſty from the illuſtrious office and dignity of a *King of the realm, and all its appending dominions*, to the inferior office of *King of America*, a part of thoſe dominions. Since the Congreſs, you have thought that rank too exalted for him; and therefore have dubbed him only King of each inferior Colony. And now you are graciouſly pleaſed, in the abundant overflowings of your loyalty towards him, to drag him down lower ſtill, to the mean office of an *inferior* repreſentative, or ſubſtitute, of the repreſentatives and ſubſtitutes of his own power. And thus from the fertility of your amazing geniuſes, you have, out of the ingredients which compoſe the ſupreme authority of the Britiſh State, formed *an idol* of your own, which indeed you may ſafely "wor-"ſhip," without breach of the commandment, as it truly bears not the leaſt reſemblance to "any "thing that is in the heavens above, or that is in "the earth beneath, or in the waters under the "earth."

But let me aſk you, in what treatiſe on Government did you find this new-fangled diſtinction? When, and by what act, have the Colony legiſlatures delegated their executive powers to his Majeſty? When did his Majeſty give up his repreſentative capacity of the Britiſh Legiſlature, and condeſcend to accept of this new, inferior delegation?

tion? Pray tell us this in your next *modeſt* and *learned* performance.

You may poſſibly here aſk, Do not the oaths of allegiance, as now taken, enforce an obedience to the laws of the Colonies, as well as to the laws of Parliament? I anſwer, They certainly do. But yet they are not taken to the King, as a diſtinct repreſentative of each Colony Legiſlature, no more than the oath of allegiance adminiſtered to a citizen of London, is taken to him as a diſtinct repreſentative of the laws of that corporation; but to him as *repreſentative of the whole State*, from which every ſubordinate authority, and the Colony legiſlatures in particular, originally derive their powers; and to which, whenever they ceaſe by forfeiture, or otherwiſe, they all revert; and from which alſo they muſt reflow, being grantable only by its repreſentative.

But conſcious that you could not efface the ſacred obligation of the oaths of allegiance, and pervert their true meaning by this refined diſtinction, you take other ground, and aſk, "Does not "every American acknowledge that he is bound "by the common law of England, and ſuch "ſtatutes as were made before the ſettlement of "the Colonies,—and which are applicable to our "ſituation? Is not the King ſupreme executor of "thoſe laws? And where is the abſurdity of *ſup-*

" *poſing* the oaths of allegiance to relate to him as " *ſupreme executor of thoſe laws*, which we ac- " knowledge to bind us; and at the ſame time re- " jecting the abſurd and dangerous idea of its in- " cluding an obligation to be bound by every law " which the Britiſh Parliament has, or may make?" —To what do you intend to reduce the meaning of theſe oaths at laſt, by your abſurd *ſuppoſitions?* You firſt, by a *ſuppoſition*, are for confining their force and obligation of obedience to the laws of the Colony legiſlatures;—and then by another *ſuppoſition*, to the common law, and ſuch ſtatutes as were made before the ſettlement of the Colonies; and I verily believe, when you ſhall make your third *ſuppoſition*, which I ſuſpect will not be until you have better hopes of ſucceſs in your ſchemes, you will " *ſuppoſe*" they have *no meaning at all.* Permit me to anſwer your queſtions, in your own way, by aſking you others. Under what authority do you claim the benefits of the " common " law and thoſe ſtatutes," but that of the Britiſh State? Did you not bring them over with you as members of that State, ever acknowledging and ſubmitting to its ſupremacy until the year 1765? How did you otherwiſe obtain them? Did you get them from France or Spain; or did you pick them up in a ſtate of nature? Or did you adopt them by compact among yourſelves? When, where, and how was that compact formed and eſtabliſhed? By what right or law do you claim theſe benefits,

and

and diſclaim the authority of future acts of Parliament?—Do you not take the oaths of allegiance in purſuance of the direction, and under the authority, of the ſtatute made in his preſent Majeſty's reign? Are not the words of the oath the ſame in America as in England? Does the change of place change their meaning? And has not that meaning been aſcertained, and known, to all Engliſhmen, for centuries? And has it not ever been held to enforce the moſt ſolemn ties of obedience to the authority of the State, unfettered with, and perfectly clear of, thoſe groundleſs diſtinctions you have lately invented?—You yourſelves, in the characters of Britiſh ſubjects, took theſe oaths in October laſt, in the words of the ſtatute, and in the ſenſe the ſtatute intends, to the repreſentative of the Britiſh Parliament, " as rightful and law-" ful *King of the realm*, and the dominions *there-*" *unto belonging*."—And you ſwore you took them in the " *common ſenſe* and *underſtanding* of the " words, without any *equivocation*, *mental evaſion*, " *or ſecret reſervation whatſoever*." Do not, therefore, Gentlemen, trifle with ſuch ſacred things;—play with your new, exploded diſtinctions between taxes laid for the purpoſe of revenue and for the regulation of trade; between internal and external taxation; and between an Engliſh and an American war, for to you we are indebted for them; but ſport not with the eſtabliſhed meaning of the moſt ſacred covenants, made in the

preſence, and under the invocation, of a moſt JUST, TREMENDOUS and AVENGING OMNIPOTENCE. Suffer not your conſciences, like the willow, to be bent by every gale that ſeems to blow ſucceſs to your infatuated ſchemes. But if you are reſolved to ſacrifice your own morals at the altar of your ambition, ſtop there. Do not corrupt the morals of your innocent fellow-ſubjects, whoſe leiſure, or abilities, will not ſuffer them to inquire into your fallacious doctrines. You may perhaps believe you have a right to ſport with your own; but remember you can have none to debauch the morals, and ſport with the preſent and future happineſs of thouſands.

Having ſhewn the futility of your arguments, upon which you have attempted to ſuperſtruct the ſupremacy and independence of the Colonies, and the right in Americans to impoſe what meaning they pleaſe on the oaths of allegiance, I will trace you ſtill farther in your abſurdities. You ſay, I am for "reducing the Legiſlatures of the Colonies "to the degrading ſituation of MERE *Corporations.*" And though you acknowledge, in ſubſtance, all I have ſaid on the ſubject to be true, viz. "That the King may erect the inhabitants of "particular diſtricts into inferior communities, "with municipal rights and privileges;" yet it requires more than this to ſhew that the Colonies are MERE *Corporations.* "Nor," you add, "does

"it

"it follow that the King can grant to MERE Cor-
"porations *full legiſlative powers.*" It is much more eaſy to aſſert than prove; and more difficult to anſwer nonſenſe than ſenſe. Convinced of theſe truths, you have often peſtered me more with your dogmatical aſſertions and nonſenſe, in a few lines, than by all the ſenſe in your whole performance. I confeſs I do not underſtand what you mean by a "*mere* Corporation." And yet I ſuſpect you have annexed to it ſome emphatic idea. The Dictionaries tell us it is a *Corporation*, or a *Corporation* only. Now a Corporation, or a *mere* Corporation, if you pleaſe, is an inferior body politic, eſtabliſhed under the authority of the principal ſociety; and in the Engliſh Government, they are eſtabliſhed by a charter from the King, or Repreſentative of the Britiſh State, in whom the power of incorporating inferior and ſubordinate ſocieties, or bodies politic, is veſted by the conſtitution. This power, or the practice of it, is not peculiar to the Britiſh Government. We find them in almoſt all civilized States, being neceſſary to render the grand ſyſtem more manageable and regular; but theſe political bodies, receiving their exiſtence, and deriving all their powers from the principal State, muſt be ſubordinate. *The hiſtories* of all States give no inſtance of the contrary. And all authors upon politic law agree, that an independent Corporation within the territories of a State, is *a monſter*, a thing *out of nature*;—and that the *ſupreme authority*

itſelf

itſelf can have no right to eſtabliſh a thing ſo inconſiſtent with the uniformity and ſafety of the State. Hence the Colonies can be conſidered only as Corporations, or ſubordinate bodies politic, veſted with *legiſlative* powers to regulate their own internal police, under certain regulations and reſtrictions, and no more.

But you contend, that though the King may incorporate inferior communities, with municipal rights and privileges, it does not follow that he can grant to *mere* Corporations *full legiſlative powers!* This is ſtrange jargon, and amounts to this—That though the King *may* do an act, yet it does not follow that he *can* do it. One of theſe municipal rights, which is uſually granted by the Crown to inferior Corporations, is authority to make all neceſſary laws for the regulations of its internal police: and I know of no bounds by which this prerogative is reſtrained, either by the principles of politic law, or thoſe of the Engliſh conſtitution; except that he cannot diſcharge the Corporation or its members from their obedience to the Supreme Legiſlature. But ſuppoſing, as you contend, that the reverſe is true; and that the King, by his prerogative of incorporating inferior communities, could not grant "the full powers of "legiſlation" which he has granted to the Colonies, in what an unhappy predicament are they involved! For if he has not ſuch power, under this

prero-

prerogative, you, with all your wiſdom and knowledge of the Engliſh conſtitution, cannot derive it from any other ſource, or find it elſewhere; and it muſt be of neceſſary conſequence, that the Legiſlation of the Colonies has been granted *without authority, and is therefore void.* Such are the *bleſſed* concluſions of your arguments—ſuch the miſchievous tendency of your doctrines! From whence learn how dangerous it is for men to dabble in ſciences they do not underſtand; or to attempt to vindicate rights they know nothing of.

You find great fault with my idea of repreſentation; and after taking much pains to miſrepreſent all I have ſaid upon the ſubject, without offering a ſingle argument, you content yourſelves with drawing the concluſion, that " enough has been " ſaid to ſhew it *to be erroneous.*" Had you ſaid, that I had not founded American rights on the partial repreſentation of *perſonal property* in England, you would have been much nearer to truth. And you might have perceived, had not your " Re- " marks" been too " haſty," that my deſign was to eſtabliſh them on a more tenable and ſolid foundation—to trace the right to a participation in the legiſlative authority from that principle, which in the Engliſh conſtitution was original, and remains permanent and unaltered to this day; carefully avoiding to ſupport them, as you have done, on props and pillars which might be proſtrated by the

moſt trivial blaſts. It was for this reaſon I did not chooſe to tread on the ground of perſonal repreſentation, or that of perſonal property, which is very partial and inadequate, and *originally* did not form a part of the Engliſh conſtitution. For let me tell you, what you ſeem to be ſtrangers to, that anciently, and for many ages, none but the proprietors of lands were repreſented in Parliament; that even the Burgeſſes repreſented lands within their boroughs, and that neither the *Ceorles* nor *Thanes*, who were the farmers, living on rented eſtates, however wealthy, were repreſented; except ſuch *Thanes* who held their lands of the Crown and paid for them "in ſervice which related to the "Public." And in confirmation of this truth, you will find that our anceſtors, when they ſought for, and obtained a perfect reſtoration of the ancient conſtitution, all they aſked of King John to grant them, in this reſpect, by Magna Charta, was to ſummon to Parliament thoſe who repreſented the *landed intereſt*, viz. "*The Abbots, the Earls, the* "*greater Barons, and the Tenants* in capite." Every novice in politics knows, that, ſince the Conqueſt, a number of Corporations and Boroughs hold rights, either by preſcription or grant, to ſend Members to Parliament, in ſome of which the trade, and not lands, are repreſented; and alſo that this kind of repreſentation was not a part of the ancient conſtitution, but an innovation—that it is eſteemed by all good judges a rotten and dan-

dangerous part of the conſtitution; and therefore I do not believe there are more than *two hooties* in the world who would cenſure or carp at a perſon for not fixing on it as a pillar to ſupport American liberty.

It would require a folio volume, minutely to follow you through all the groſs abſurdities of your ideas of repreſentation.—Having anſwered them in general, I ſhall content myſelf for the preſent with giving the Reader one more ſpecimen of your knowledge of the Engliſh conſtitution. After giving us a truly ridiculous idea of Engliſh repreſentation, drawn from the petty Democracies of Greece, you tell us—" therefore it is pro-" vided by the Engliſh conſtitution, that the " people (meaning all men of property, whether " landholders or others) ſhall exerciſe this power " by their repreſentatives. This is the principle " of repreſentation by which *every man of property* " *in England has a voice in Parliament.*" Now I will not take upon myſelf to deny, but it may be poſſible that theſe two political magicians may, from their profound reſearches, have diſcovered ſome ancient, and hitherto latent manuſcript, which has taught them, that our anceſtors formed their repreſentation upon the model of the Grecian Democracies;—becauſe I would not wiſh to ſuſpect that they could venture, without ſome kind of authority, to advance a fact ſo univerſally con-

tradicted.—However, I affirm that every author who has written on the Engliſh Government, within the laſt thouſand years, informs us, that it was originally eſtabliſhed by our anceſtors, the Anglo-Saxons; and that the legiſlative part of it was, in all probability, taken from the forms of their Governments in their own country, where the proprietors of the land compoſed the legiſlature. But whatever this manuſcript may have told them, certain I am it never could inform them, that "every man of property in England "has a voice in Parliament." In every corporation which ſends members to Parliament, the right to vote is confined to the members of the corporation; to the excluſion of all the other inhabitants, however wealthy. In London, that great and populous city, none can vote but thoſe who are made free of the city. In Briſtol, the caſe is the ſame. In others, the members of Parliament are choſen by twelve only; and in ſome, by leſs. So that it is generally allowed, that not one thirtieth part of the inhabitants of Britain holds *by the conſtitution* a right to vote. Do you not, Gentlemen, know this to be fact? If you do, how far beneath the characters of men of veracity and honour have you deſcended, to advance untruths ſo eaſily detected!

You next make a feeble attack on the Plan of Union propoſed in Congreſs, with a view to prevail

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on the members to deſert their wild and deſtructive ſchemes of independence; and to adopt, in its ſtead, ſome ſyſtem of negociation with Great Britain. The amount of your objections is, that the Delegates, mentioned in the Plan, who are to be *freely choſen* by, and from *among the people*, are not to be truſted. And after ſuppoſing what, in the nature and reaſon of things, is altogether improbable, that they will be *corrupted*, though their election ſhould be annual; you ſay, "the "truſt is too ſacred."—That neither wiſdom nor policy would "dictate the leaving the liberties of "a country to the virtues of any men, however "conſpicuous." I much ſuſpect, Gentlemen, whatever your declarations may be, were that truſt offered to either of you, as *protectors* of the Colonies, like your great maſter, whoſe ſteps you are *as yet* following at humble diſtance, you would reject it *in appearance* only; but would take care, if you could find the means; to ſecure it in ſubſtance. This moſt certainly is what you aim at. It follows from your own poſition. For if the "liberties of a country" are not to be left "to "the virtues of any *men*, however conſpicuous," and yet are to be committed in truſt at all, it muſt of courſe be to *one man*—a Protector. And who can that protector be, but one of yourſelves? But let me ſeriouſly aſk you, Where can the liberties of mankind be ſo ſafely repoſed, as in the hands of their repreſentatives, who are accountable to

them, and who cannot deſtroy or injure *their* rights without deſtroying or injuring their *own?* Is not this the very predicament in which ſound policy has ever placed the liberties of all free people? Has human wiſdom ever invented a better, or one more ſafe? But it ſeems the "fallibility of hu-"man nature" has taught you, that there are "other props and pillars" upon which you mean "to ſupport your liberties." What they are, you have not been ſo obliging as to inform us; but left us the taſk of finding them out; which is by no means a difficult one. For making the doctrines of your whole performance the clue, we readily diſcover, that theſe "props and pillars" can be nothing elſe, but the *fire* and *ſword*, the *civil wars*, into which you are, by your ſyſtem of independence, unneceſſarily leading your deluded country.

After having thus, in vain, attempted to ſhew that the Plan is "idle, dangerous, whimſical, and "miniſterial;" you aſk, "If it was indefenſible, "why did not the Author enter into the argument "with a Gentleman from Virginia, who chal-"lenged him to it; and who ſaid he could prove "it big with deſtruction to America?" You have unwillingly given a juſt and reaſonable anſwer to your own queſtion, and vindicated the Author againſt the charge you intended to aſperſe him with: for you add, "'tis true, he did ſay he

"would

" would defend it, if the Congreſs would appoint a " day for that purpoſe; but this was when all was " hurry, and the forms of buſineſs only delayed " their breaking up." Here you have for once loſt your uſual art. It is a difficult taſk for men, however hackneyed in deception, to continue uniform in it. Truth will now and then, in ſpite of all the pains to ſuppreſs it, pop out. For it ſeems by your own confeſſion, when this challenge was made, " *all was hurry*," and the Congreſs was about to break up. And do you think that this was either a proper time to *give* or to *accept* of a challenge to diſcuſs, by fair argument, the merits of a Plan, in which, as was acknowledged by a Maſſachuſſets Delegate, *queſtions of greater magnitude than ever were agitated in any State were involved?* Was it candid in the Virginian to propoſe it? And was it not juſtifiable in the Author, and the other advocates of the Plan, who were a majority of the men of the firſt abilities and property in the Congreſs, to decline it? And was it not all that reaſon or honour required of the Author to tender an acceptance of the propoſal the next day, or any other day which ſhould be appointed? eſpecially when he knew it had been previouſly determined at the *New Tavern* to expunge it, with the rules taken on it, totally from their Minutes. However, that Gentleman and his colleague, who in a manner pledged himſelf to do ſo, have now had ſufficient time to ſhow it " big with

"deſtruction to America;" and yet they have choſe not to undertake a taſk ſo arduous, I might ſay impoſſible.

I now call on you, and all your independent compeers, to prove this Plan, in any reſpect, inconſiſtent with the freedom of America. You have been nibbling at it for ſome time, in your private cabals, and now in public; but you find your aſſaults have not even ruffled its ſcarf-ſkin. You have read it, and meditated upon it over and over again; and yet you know not what to do with it. It ſtands, like an impregnable bulwark, in the path to your independence, and you know not how to remove it. Here is your great objection againſt it; and for this *only* reaſon you fret, and fume, and rage ſo much about it.

Before I conclude this head, let me tell you, that although the Author is confident no good objection can, with propriety or reaſon, be made againſt the Plan by America, *ſeeing ſhe denies a repreſentation in Parliament*; yet he neither is, nor ever was, tenacious of it: that his great aim, as he declared in Congreſs, in propoſing it, was to prevail on them to take the ground of rational accommodation and negociation with the Parent State: and therefore, that he would moſt cheerfully adopt any other which ſhould be thought more eligible, and better tend to thoſe neceſſary

and

and ſalutary purpoſes, ſhould the one propoſed, on examination, be rejected. In the ſame diſpoſition of mind the Author ſtill continues, from a full conviction, ariſing from a long and mature conſideration of the ſubject, *that the ruin of America can only be averted, by a candid ſtate of her grievances; and ſome rational propoſitions of a union between the two countries, upon a conſtitutional plan.* And as to his inclination to be ſent over as a "Delegate" to ſolicit the cauſe of America, with which you charge him—he never entertained the wiſh. He will make himſelf extremely happy at the accompliſhment of ſo great and good a work, let it be performed by whom it may. But, Gentlemen, he never looked for ſuch a charge from *you*. And had not that ſame deſire exiſted in *one*, if not *both* of your breaſts, you never had made the charge. Had he, like *one* of *you*, ſignified ſuch a deſire to a Delegate in Congreſs, and thereby prevailed on the Delegate to propoſe *him alone* to ſolicit the petition to his Majeſty; and further like you, had his mind been ſo puffed up with vanity and conceit of his own abilities and importance, as officiouſly to make a tender of his ſervice, in Congreſs, before it was requeſted, or he could poſſibly foretel the determination of a majority; and afterwards had he met with the mortification of a refuſal;—I ſay, had the Author of the Plan acted this vain and forward part, your charge would have had ſome foundation. But you know

he

he did not: and therefore I cannot avoid applying to you the old Latin adage, *Turpe eſt Doctori cum culpa redarguit ipſum.*

You, in the next place, imperiouſly aſk, "How "dare you, Sir, in the face of America, aſſert, "that they, the Congreſs, have propoſed no plan "of accommodation, and that every page con-"veys ſentiments of independence?" I will tell you, Gentlemen—Was I capable of being bullied by your menaces; was I to be intimidated and frightened by that lawleſs power which you have greatly contributed to erect in America, I ſhould not dare to do it, But as that is not the caſe, unawed by all your tyrannous edicts, when the welfare of my country demands it, I dare to ſpeak the truth, and to arraign the conduct of men who are leading that country to her ruin, however dignified and potent they may be in their *own*, or in the opinion of their *minions*. Re-examine their claim of rights, the great baſis of American pretenſions, and we ſhall find that the claim of the Congreſs is an excluſive right of legiſlature in all caſes of taxation and internal polity; *and that to the legiſlature of Great Britain, there is not left the leaſt authority to make a law of any denomination or kind whatſoever for the Colonies.* And you yourſelves have now inſiſted, that the legiſlature of every Colony is *equally ſupreme and as unlimited* as the legiſlature of Great Britain. Are not theſe

clear,

clear, evident declarations of independence? And do you think you have already, by your deſpotic authority, ſo effectually ſubdued the ſpirit of liberty, and even the freedom of ſpeech, that we *dare not* call facts by their true and proper names? If you do, you are groſsly miſtaken.

But it ſeems that the Congreſs did propoſe to the Crown "to place America in the ſituation ſhe "was in before the year 1763, and all our com-"plaints will ſubſide." This you ſay is "a Plan "of accommodation." But this is all fineſſe and deluſion, too flimſy not to be detected by the penetrating eyes of a Britiſh Parliament—For although they artfully tell the Crown, that upon a repeal of the ſtatutes ſince the year 1763, "their "complaints will ſubſide;" yet in the claim of rights, they tell the world a different ſtory —They are there only to ſubſide "*for the pre-*"*ſent.*" What, in common ſenſe, is the meaning of all this, but that if you repeal thoſe obnoxious ſtatutes, we will be content until we find it convenient to be otherwiſe; or until we are better prepared: and then we intend to inſiſt upon a repeal of all thoſe "many infringements and viola-"tions of the foregoing rights" [alluding to every right contained in the claim of rights] "which "we paſs over for the preſent; and if our de-"mand is not granted, we will oppoſe force to "force." Such is your bleſſed Plan of accom-

modation intended to reſtore harmony between the two countries!

One word more before I conclude: You ſay the author of the Plan of union "ſigned the aſſocia-"tion. That it certainly was the act of all who "ſigned it—And that he has firmly agreed and "aſſociated under the ſacred ties of virtue, honour, "and love of his country, to carry the aſſociation "into execution." That he ſigned the aſſociation is true. But that he and a number of other Delegates did not ſign it as their *private act*, or as *binding on themſelves or their conſtituents*, is as true. Nor was the ſigning of that gentleman and a number of others who voted againſt many parts of the aſſociation, and particularly the non-importation agreement, which many foreſaw would be ruinous to America, held or eſteemed in Congreſs as their *private act*, and which they pledged themſelves to ſee carried into execution: otherwiſe, the Congreſs knew they never would have ſigned it. And therefore to prevail on them to ſign it, it was ſaid it ſhould be done *by order* of the Congreſs; and then it would be the act of a majority, and not of each private perſon, nor his particular act. That ſuch was the caſe of a Speaker of Aſſembly who ſigned a bill or other legiſlative act *by order*, though againſt his judgment, which could not be conſidered as his private act, but that of the majority who made the order. In conſequence of this mode of reaſoning, an order was made, and the

clauſe

clauſe next preceding the Delegates names was added to the aſſociation in theſe words: "The "foregoing aſſociation being determined upon "by the Congreſs, *was ordered* to be ſigned by "the *ſeveral* members thereof, and *thereupon* we "have hereunto ſet our *reſpective* names *according-*"*ly.*" Now, however juſt this reaſoning may be thought, it was the reaſoning of the Congreſs; and it was one, among other reaſons, which prevailed on the Author of the Plan, and a number of other Delegates, to ſign the aſſociation. Thus you find that the laſt effort of your malevolence to ſlander the character of this gentleman, has, like the reſt, proved abortive; and muſt recoil upon yourſelves, as both of you were in Congreſs, and knew of the order and the reaſon of making it.

I will now conclude with giving you my ſerious advice. I think you ſtand in much need of it, and I aſſure you I really intend it for your benefit, and it muſt be owing to your own perverſeneſs if it ſhould prove otherwiſe. Take it therefore ill or well, I care not. Know then, that there is ſuch a thing as honour and candour in argument, and that whoever deſerts them for the ſake of perverting truth, loſes his character, and muſt be deſpiſed by all ſenſible and honeſt men. Believe, that a bad cauſe can never be ſupported by ſophiſms, bold aſſertions, or evident untruths; and that the fair cauſe of liberty requires no ſuch aids. Do

not perſuade yourſelves, that by your ſophiſtry you can render that "ſupreme" and independent, which in its nature is limited, ſubordinate, and dependent; nor that you can, by your futile diſtinctions, pare away the eſtabliſhed meaning of the moſt ſacred things—nor induce the honeſt and virtuous to perjure themſelves, and, with the load of that perjury in their hearts, to take up arms againſt their lawful Sovereign. Lay aſide your reveries of independence, and your high expectations of gratifying your ambition by the ruin of your country; for the virtuous and the wiſe of that country are aware of your deſign, and will prevent your ſucceſs. Perſuade not yourſelves to believe what one of you has ſaid, that "you can "find employment in America for all the Britiſh "troops." For you may as well attempt to ſcale the moon, and wrench her from her orbit, as withſtand the power of Britain. Deſert the men who are puſhing you with precipitation into ſedition and rebellion; for the time is approaching when they will deſert you, and leave you to anſwer for all the evils brought on a happy and flouriſhing country.

FINIS.